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WA-1301-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

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HON'BLE SHRI JUSTICE B. P. SHARMA

ON THE 15th OF SEPTEMBER, 2026WRIT APPEAL No. 1301 of 2026*THE STATE OF MADHYA PRADESH**Versus**DR. VISHNU KUMAR GUPTA AND OTHERS*

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Appearance:

*Smt. Janhavi Pandit - Addl. A.G. for the appellant/State.**Shri Manikant Sharma - Advocate for the respondent no.1.*
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ORDER

Per. Justice Anand Pathak

Heard on I.A. No.7726/2026, which is an application under Section 5 of Limitation Act for condonation of delay of 13 days.

2. It is the submission of learned counsel for the appellant that after passing of impugned order dated 07.01.2026 in Writ Petition No. 23100/2024, on 28.01.2026, legal opinion was sought from the Office of the Advocate General with respect to further action. Thereafter, legal opinion was furnished to comply with the order of Hon'ble Court. Thereafter, matter was processed to law department and after receiving opinion from the authority concern, appeal was prepared and filed. Due to procedural inertia/formalities consumed in the process, delay of 13 days has been caused. Since, case bears merits and therefore, deserves to be argued on merits in the interest of justice. Sufficiency of cause is made out.



3. Learned counsel for the appellant/State referred the judgments of Hon'ble Apex Court in the cases of **Motilal Songara v. Prem Praksh alias Pappu and another**, (2013) 9 SCC 199, **Sheo Raj Singh (Deceased) through Legal Representatives and others v. Union of India and others**, (2023) 10 SCC 531 and **Vishnu Vardhan @ Vishnu Pradhan v. State of Uttar Pradesh and others**, 2025 SCC Online SC 1501. Therefore, to address on merits, it is imperative that delay be condoned and the matter be heard on its own merits.

4. Learned counsel for respondent No.1 opposed the prayer and prayed for dismissal of the application.

5. In consideration of application for condonation of delay, sufficiency of cause is the prime consideration. Considering the submissions and looking to the nature of dispute and reasons assigned in the application and as submitted by counsel for the appellant/State, sufficiency of cause is made out, therefore, delay of 13 days in filing the appeal is hereby condoned.

6. I.A. No.7726/2026 stands disposed of.

7. Also heard on admission.

8. The present Writ Appeal under Section 2 (1) of The Madhya Pradesh Uchcha Nyayalaya (Khand Nyaypeeth Ko Appeal) Adhiniyam, 2005 is preferred by the appellant being aggrieved by the orders dated 07.01.2026 passed by the learned Writ Court in W.P.No.23100/2024, whereby writ petition filed by petitioners/respondents herein is allowed directing Principal Secretary, Department of Animal Husbandary and Dairy, Bhopal to grant benefit of time scale of pay alongwith to petitioners on



completion of 5 years, 10 years, 15 years and 30 years of service respectively. Said benefit be extended from same date, when same has been granted to Dental Doctors.

9. Precisely stated facts of the case are that the writ petitioners/responders herein filed a writ petition No. 23100/2024 before this Court claiming that they are working as Veterinary Assistant Surgeon/Veterinary Surgeon, therefore, the benefit of time scale of pay be granted to them on par with Dental Surgeons/Medical Officers. It is also claimed that Dental Surgeons/Medical Officers are extended the benefit of time scale of pay on completion of 5 years, 10 years and 15 years of service but in the case of Veterinary Assistant Surgeon/Veterinary Surgeon, the benefit of time scale of pay has been extended on completion of 8 years of service.

10. It is further claimed that there is a discrimination with the writ petitioners/respondents herein vis-a-vis Dental Surgeons/Medical Officers and they are not provided similar benefit on par with the Dental Surgeon/Medical Officer. Appellants/State had submitted its reply by contending that the benefit cannot be granted to the writ petitioners/respondents herein on completion 5, 10, 15 and 30 years because they are from different departments and petitioners/respondents herein are being provided the benefits as per directions issued by the GAD to all departments.

11. After hearing learned counsel for the parties, learned writ Court vide impugned order, allowed the petition with the above mentioned



directions. Being aggrieved by impugned order, appellant/State has preferred the present appeal.

12. It is the submission of learned counsel for the appellant/State that writ petitioners/respondents herein are qualified Veterinary Assistant Surgeon/Veterinary Surgeon working in Animal Husbandry and Dairy Department and they are governed by different set of rules; whereas Medical Doctors and Dental Surgeon are working under the Madhya Pradesh Public Health and Family Welfare Department and are also governed by different set of rules, therefore, writ petitioners/respondents herein cannot claim parity with those employees.

13. It is also submitted that non-grant of time scale of pay on par with employees of Public Health and Family Welfare Department especially the doctor's does not infringe the fundamental rights enshrined under the Constitution of India. Hence, learned counsel for the appellant prays for setting aside of impugned order. In support of her contentions, learned counsel for the appellant/State has placed reliance on the decision of Hon'ble Apex Court in the case of **State of Gujrat and Ors. vs. Dr. P.A. Bhatt and Ors.,(2023) 15 SCC 257.**

14. Per contra, learned counsel for the respondent has opposed the prayer by contending that vide notification dated 24.01.2008, the upgradation and grant of time scale of pay amongst the employees working as civil servants in various departments of the Government of Madhya Pradesh was Revised and both services carry same pay scale, therefore, Model Employer cannot discriminate their employees in granting same



benefit.

15. It is also contended that order passed by learned writ court is just and proper, therefore, no interference is warranted in the said order. Hence, he prayed for dismissal of appeal. In support of his contention, learned counsel for the respondent No.1 relied upon the decision of Division Bench of Delhi High Court pronounced on 14.10.2014 in the case of Dr. Chandra Shekhar Sahukar Versus Union of India (W.P.(C) No.2780/2011).

16. Heard learned counsel for the parties at length and perused the impugned order as well as decisions relied upon by learned counsel for the parties.

17. This is a case where appellant/State is taking exception to order dated 07.01.2026 passed by the learned Writ Court in W.P.No.23100/2024, whereby direction is given to grant benefit of Assured Career Progression Scheme (Grant of Higher Pay Scale/Kramonnati) to the Veterinary Assistant Surgeon/Veterinary Surgeon on par with Dental Surgeons/Medical Officers.

18. Dental Surgeons and Medical Officers are extended benefit of time scale after completion of 5 years, 10 years, 15 years and 30 years of service. But in the case of Veterinary Assistant Surgeon, benefit of time scale of pay is provided on completion of 8 years of service.

19. Dental Surgeon and Medical Officers take care of human body and its ailments; whereas Veterinary Surgeons are working in the realm of animal husbandry. In fact animal husbandry is a science bit peculiar in terms of stake holding involved. Here, Doctors have to go to the remotest of the areas with all adverse terrain and weather and have to treat a patient, which



does not speak on its own. Human Doctors rely on patients explaining their symptoms but that facility is not available to a veterinarian. He has to heal the animal by deep intuitions, incredible diagnostic skills, patience and observation. Therefore, the job appears to be tough and requires special and robust skill sets.

20. So far as the service conditions are concerned, appellants themselves treat the Veterinary Surgeons on par with Medical/ Dental Surgeons while granting same pay scale and other benefits. Therefore, once they carry same pay scale and other benefits, then in the realm of grant of higher pay scale/kramonnati cannot be left out as an exception. Petitioner has specifically mentioned the fact that all these services carry equal pay, which has not been rebutted by counsel for respondents in their reply. Even otherwise, all three professionals are healers of society. First set of doctors heal human beings and a veterinarian heals animals, which are voiceless beings, therefore, no distinction can be made.

21. Learned counsel for respondent referred the Division Bench Judgment of High Court of Delhi pronounced in W.P.(C) No. 2780/2011 in case of **Dr. Chandra Shekhar Sahukar Vs. Union of India** dated 14.10.2014, in which Division Bench held that in respect of Dynamic Assured Career Progression mechanism ("DACP") to Central Health Services ("CHS") and applying the concept of parity held that Veterinary Surgeons are entitled to get the benefits of DACP as received by Medical/Dental Surgeons. For discussion, said Division Bench of High Court of Delhi has referred the Supreme Court in the case of **South Malabar**



Gramin Bank vs. C-ordination Committee of South Malabar Gramin Bank Employee's Union and South Malabar Gramin Bank Officer's Federation & Others, AIR 2001 SC 1028, wherein concept of parity was explained.

22. The said order put to challenge by the Union of India before the Apex Court but said SLP No. 3505/2015 so preferred was dismissed vide order dated 30.01.2018.

23. Being employer, appellants/State cannot discriminate between two services rendering same nature of job, although, targeted group may be different. Judgment relied by State is in respect of parity of pay scale and not in respect of kramonnati/higher pay scale. Judgment relied upon by appellant/State is **State of Gujrat and Others Vs. P.A. Bhatt and Others, (2023) 15 SCC 257** but it was in respect of prescription of different pay scales between Allopathy Doctors and Doctors of Indigenous Medicines and therefore, in said facts Hon'ble Supreme Court held that classification based on educational qualification (M.B.B.S. and Non-M.B.B.S. Doctors) not violative of Article 14 and 16 of the Constitution of India.

24. Will Rogers a famous America cow-boy humorist and social commentator, who had deep respect for animal doctors, made a famous statement: "Personally I have always felt that the best doctor in the world is the veterinarian. He can't ask his patient what is the matter. He is just got to know."

25. Since Animal Husbandry in State of M.P. has taken a shape of industry and diary Farms/Goatry Farms, various animal vaccination drives and diseases are tackled by veterinarian . They are in touch with more than



80% of the village people and majority of the population are dependent on various products coming through these routes. Therefore, their services cannot be discounted in any manner.

26. Resultantly, in the considered opinion of this Court, learned writ Court has rightly passed the impugned order while granting benefit of time scale of pay to respondents at par with Medical Officers and Dental Surgeons.

27. Accordingly, appeal being devoid of any merits is hereby dismissed.

(ANAND PATHAK)
JUDGE

(B. P. SHARMA)
JUDGE

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