



**IN THE HIGH COURT OF MADHYA
PRADESH**

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

ON THE 15th OF JANUARY, 2026

WRIT PETITION No. 49437 of 2025

SATYABIR SINGH

Versus

***M.P. INDUSTRIAL DEVELOPMENT CORPORATION LTD.
AND ANOTHER***

Appearance:

***Shri A.K. Sethi - Senior Advocate with Shri Ayush Gupta-
Advocate for the petitioner.***

***Shri Manoj Munshi - Senior Advocate with Shri Kushagra
Singh – Advocate for respondent No.1.***

Shri Aviral Vikas Khare- Advocate for Respondent No. 2.

ORDER



The petitioner has approached this Court under Article 226 of the Constitution of India seeking following relief:-

“7A. The reappointment order dated 02.12.2025 of respondent no.2 in the respondent no.1 corporation as In charge Chief Engineer (Annexure P/3) may kindly be ordered to be quashed.

7B. The advertisement dated 02.12.2025 for appointment on deputation on the post of Chief Engineer issued by respondent no.1 corporation (Annexure P/4) may kindly ordered to be quashed.

7C. The respondent no.1 corporation be directed to appoint/promote the petitioner on the post of Chief Engineer as per his seniority.

7D. The petitioner be awarded cost of the petition.

7E. Any other and further relief, as may be deemed fit may be granted to the petitioner.”

2. It is the case of the petitioner that he is presently working as an Executive Engineer in the Regional Office, Indore, of Respondent No.1 Madhya Pradesh Industrial Development Corporation (MPIDC) holding the said post since 19/08/2014 and as per the gradation list published by Respondent No.1 his position as on 01/04/2025 stands at Serial No.1 in the cadre of Executive Engineers.



3. It is further the case of petitioner that respondent No.2 was substantively holding the post of Executive Engineer and was earlier entrusted with the charge of Chief Engineer (In-charge) in the Corporation. Respondent No.2 who attained the age of superannuation and retired from service on 30/11/2025, as reflected from the retirement order dated 28/11/2025.

4. According to the petitioner, upon the retirement of Respondent No.2, the petitioner being the senior-most Executive Engineer and the only available officer in the feeder cadre was entitled to be entrusted with the charge of Chief Engineer (In-charge). However, instead of doing so, Respondent No.1, by order dated 02/12/2025, re-appointed Respondent No.2 on a contractual basis for a period of six months or till further orders, to work as Chief Engineer (In-charge).

5. It is further contended by the petitioner that on the same date, i.e. 02/12/2025, Respondent No.1 also issued an advertisement inviting applications for appointment to the post of Chief Engineer on deputation from Government departments, namely PWD/RURAL ENGINEERING SERVICES (RES)/PUBLIC HEALTH ENGINEERING (PHE), with the last date being 19/12/2025.

6. The petitioner contends that both the contractual re-appointment of Respondent No.2 and the advertisement for deputation are illegal, arbitrary, without jurisdiction, and contrary to the Madhya Pradesh



Trade & Investment Facilitation Corporation (TRIFAC), Rules 2017 (for short 'TRIFAC Rules, 2017) particularly when an eligible and senior officer was available within the Corporation itself. Hence, the present writ petition has been filed seeking quashment of the re-appointment order and the advertisement dated 02/12/2025 with a prayer to appoint/post the petitioner as Chief Engineer (In-charge).

7. Learned senior counsel for the petitioner submits that the petitioner is the senior-most Executive Engineer, possesses all requisite qualifications, and has more than five years experience, and therefore ought to have been posted as Chief Engineer (In-charge) upon the retirement of Respondent No.2. It is contended that the action of re-appointing a retired officer on contract, bypassing an available senior officer, is *per se* arbitrary and violative of Articles 14 and 16 of the Constitution of India.

8. It is further submitted by Shri A.K. Sethi that Respondent No.1 is governed by the M.P. TRIFAC Service Rules, 2017, which provides under Rule 5 that appointments can be made by promotion or deputation. According to the petitioner, Schedule-II of the TRIFAC Rules, 2017 contemplates that the post of Chief Engineer is to be filled 100% by promotion or through deputation from the post of Executive Engineer, and therefore, contractual appointment is impermissible when an internal candidate is available.



9. Learned Senior Counsel for the petitioner argues that Respondent No.2 himself was substantively an Executive Engineer and was earlier given charge of Chief Engineer. On the same parity of reasoning, the petitioner, being similarly situated and senior, ought to have been entrusted with such charge. The respondents, having once adopted such a course, cannot now deny the petitioner similar treatment.

10. Learned Senior Counsel for the petitioner further pleaded that respondent No.1 has not complied with the proviso appended to Rule 20.3 of the M.P. TRIFAC Service Rules, 2017. It is submitted that while the main part of Rule 20.3 empowers the Managing Director to make contractual appointments for a period up to six months to meet urgent requirements of the Corporation, subject to vacancy of post and budgetary limits, however, the proviso clearly stipulates that if any retired government servant is to be given contractual appointment in the Corporation, the instructions of the State Government shall be followed and such permission can be granted by the Board of Directors for a maximum period of one year. According to the petitioner, no material has been placed on record to demonstrate compliance with the said proviso or with the instructions of the State Government, and therefore the contractual re-appointment of respondent No.2 is without authority of law and deserves to be set-aside.



11. It has also been vehemently argued by the learned Senior Counsel appearing for the petitioner that the action of Respondent No. 1 is vitiated for non-compliance with the provisions of the Madhya Pradesh Civil Services (Contractual Appointment) Rules, 2017 (for short 'the Contractual Rules of 2017'), as amended on 25.05.2018. Inviting the attention of this Court to Rule 15-A of the Contractual Rules of 2017, it is contended that the said Rule mandates that where any retired Government servant is proposed to be appointed on contract basis in any Public Undertaking/Corporation/Board/Commission/University, such contractual appointment can be made only after obtaining the recommendation of the Scrutiny Committee and approval of the Cabinet. It is further submitted that the said policy is uniformly applicable to all cases where a person is proposed to be appointed on contract after attaining the age of superannuation, whether such appointment is made immediately after retirement or after a lapse of time. According to the learned Senior Counsel, in the present case, the mandatory procedure prescribed under Rule 15-A of the Contractual Rules of 2017 has not been adhered to, rendering the impugned action arbitrary, illegal and unsustainable in the eyes of law.

12. In the rejoinder, the learned senior counsel for the petitioner has reiterated that the respondents have failed to justify how Respondent No.2, while substantively holding the post of Executive Engineer, was earlier given charge of Chief Engineer, and therefore denial of similar



treatment to the petitioner is discriminatory. It is asserted that the plea of administrative exigency is an afterthought and that the respondents were well aware of the impending retirement of Respondent No.2.

13. The petitioner has also disputed the respondents interpretation of Rules 19.1 and 20.3 of TRIFAC Rules, 2017 and has contended that no material has been placed on record to demonstrate compliance with State Government directives for contractual re-appointment of a retired officer. According to the petitioner, the impugned actions are not mere matters of posting but amounts to illegal occupation of a public post, warranting judicial interference.

14. *Per contra*, learned senior counsel appearing for Respondent No.1 submits that the writ petition is founded on an erroneous assumption that seniority alone confers a vested right to be appointed or posted as Chief Engineer or In-charge Chief Engineer. It is argued that there is no statutory provision conferring such a right upon the petitioner.

15. It is submitted by the learned senior Counsel for Respondent No.1 that the service conditions of the officers of MPIDC are governed by the M.P. TRIFAC Service Rules, 2017, framed pursuant to Government approval, and that the said Rules expressly contemplate multiple modes of recruitment for the post of Chief Engineer, including



promotion and deputation. The Rules do not reserve the post exclusively for promotion from within the Corporation.

16. Learned senior counsel for Respondents further submits that Rule 19 of the M.P. TRIFAC Service Rules, 2017 vests exclusive discretion in the Managing Director to assess the requirement of deputation in the supreme interest of the Corporation. The advertisement dated 02/12/2025 inviting applications on deputation is, therefore, fully in consonance with the statutory rules.

17. It is also contended that Rule 20.3 of the M.P. TRIFAC Service Rules, 2017 specifically empowers the Managing Director to make contractual appointments up to six months to meet immediate administrative exigencies, subject to availability of funds and vacancy of the post. The re-appointment of Respondent No.2, a highly experienced technical officer, was made purely as a stop-gap arrangement to ensure continuity in the functioning of the Corporation and to safeguard public interest.

18. The respondents further submit that the petitioner is either not eligible for appointment nor as officiating Chief Engineer. It is submitted that as per the TRIFAC Rules 2017, since promotion to the said post requires seven years' experience in the feeder cadre of Superintending Engineer, which the petitioner admittedly does not possess makes him ineligible for holding the post of the Chief Engineer



(In-charge). An Executive Engineer can best, be given charge of one higher post, i.e., Superintending Engineer.

19. It is further argued by the learned senior counsel for Respondent No. 1 that decisions relating to posting, in-charge arrangements, deputation, and contractual engagement fall within the realm of administrative discretion and are not amenable to judicial review unless vitiated by mala fides or violation of statutory provisions. No such *mala fides* or illegality has been pleaded or established in the present case.

20. Heard both parties at length and examined the entire record available.

21. The first point for determination before this Court is whether the petitioner, merely by virtue of being the senior-most Executive Engineer, had any statutory right to be appointed or entrusted with the charge of Chief Engineer. This Court is of the considered opinion that such a claim must be strictly examined within the four corners of the statutory service rules governing the field and cannot be adjudicated on equitable considerations alone.

22. On a bare perusal of the Madhya Pradesh TRIFAC Service Rules, 2017, particularly Schedule-II (Annexure P/5), it is unambiguous that the post of Chief Engineer is to be filled 100% either by promotion or by deputation. The Rules categorically prescribe that only an officer



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having seven years experience on the post of Superintendent Engineer, or an officer holding an equivalent post in PWD/RES/PHE on deputation, is eligible for appointment as Chief Engineer. The operative words of schedule reads as:-

क्र.	वेतनमान (Pay Scale)	पद का नाम (Post Name)	अनुभव एवं योग्यता (Experience & Qualification)	भर्ती का तरीका (Mode of Recruitment)	प्रतिशत (Percentage)
12.	37400- 67000 ग्रेड पे 8700	मुख्य अभियंता	7 वर्षीय कार्यानुभव सहित अधीक्षण अभियंता अथवा मुख्य अभियंता (लोक निर्माण विभाग / ग्रामीण यांत्रिकी सेवा/ लोक स्वास्थ्य यांत्रिकी) या 5 वर्षीय कार्यानुभव सहित उक्त विभागों में से अधीक्षण अभियंता	पदोन्नति अथवा प्रतिनियुक्ति से (लोक निर्माण विभाग/ ग्रामीण यांत्रिकी सेवा / लोक स्वास्थ्य यांत्रिकी)	100%
13.	15600- 39100 ग्रेड पे 7600	अधीक्षण अभियंता	(क) 7 वर्षीय कार्यानुभव सहित कार्यपालन अभियंता (ख) अधीक्षण अभियंता (लोक निर्माण विभाग / ग्रामीण यांत्रिकी सेवा / लोक स्वास्थ्य यांत्रिकी) या 5 वर्षीय कार्यानुभव सहित उक्त विभागों में से कार्यपालन अभियंता	(क) पदोन्नति से (ख) प्रतिनियुक्ति से (लोक निर्माण / ग्रामीण यांत्रिकी / लोक स्वास्थ्य यांत्रिकी / ऊर्जा विभाग से प्रतिनियुक्ति)	50% 50%



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14.	15600 -39100 ग्रेड पे 6600	कार्यपालन अभियंता (Executive Engineer)	(क) 7 वर्षीय कार्यानुभव सहित सहायक अभियंता (ख) कार्यपालन अभियंता अथवा 5 वर्षीय कार्यानुभव सहित सहायक अभियंता	(क) पदोन्नति से (ख) प्रतिनियुक्ति से (लोक निर्माण / ग्रामीण यांत्रिकी / लोक स्वास्थ्य यांत्रिकी / ऊर्जा विभाग से प्रतिनियुक्ति)	50% 50%
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23. This Court finds that the feeder cadre for promotion to Chief Engineer is the post of Superintendent Engineer and not Executive Engineer. The Rules further make it explicit that an Executive Engineer becomes eligible only for promotion to Superintendent Engineer upon completion of seven years' service. Admittedly, the petitioner does not fulfil the essential eligibility criteria prescribed for appointment to the post of Chief Engineer and thereby is also not eligible to hold the post of Chief engineer (In-charge).

24. It is trite law that seniority alone does not create any vested or indefeasible right to promotion or appointment to a higher post. Appointment to a public post must strictly conform to statutory provisions, and no employee can claim elevation *dehors* the Rules. This



Court is of the considered opinion that the petitioner's claim is wholly misconceived and legally untenable.

25. The contention of the petitioner that, in absence of any eligible officer, he ought to have been entrusted with the charge of Chief Engineer is also devoid of substance. Entrustment of charge is not a matter of right but a matter of administrative discretion. No statutory provision has been placed before this Court which mandates that the senior-most officer in the lower cadre must necessarily be given charge of a higher post.

26. The second point for determination before this Court is whether the action of Respondent No.1 in re-appointing Respondent No.2, after his retirement, as In-charge Chief Engineer on a temporary contractual basis is vitiated by illegality or arbitrariness. This Court is of the considered opinion that the said action must be assessed in light of administrative exigency, statutory empowerment and public interest.

27. On bare perusal of Rule 20.3 of the M.P. TRIFAC Service Rules, 2017, it is evident that the Managing Director is vested with the authority to make contractual appointments for a period up to six months to meet immediate administrative exigencies. The Rule does not create any prohibition/embargo against engagement of a retired employee, particularly when such engagement is temporary and necessity-based. The operative portion reads as under:—



“20. आउटसोर्स एवं संविदा निगम के सुचारू संचालन हेतु ऐसी आवश्यक दीर्घ एवं लघु अवधि सेवाएँ जिनके लिए पद उपलब्ध नहीं है उन्हें आउटसोर्स से प्राप्त किया जायेगा।

20.1 आउटसोर्स से सेवाओं की प्राप्ति हेतु पारदर्शी नियम एवं प्रक्रिया का निर्धारण संचालक मण्डल द्वारा किया जायेगा एवं उपयुक्त कार्यवाही के लिए प्रबंध संचालक को अधिकृत किया जायेगा।

20.2 अल्पकालिक सेवाओं यथा विशेषज्ञ, सलाहकार की सेवाओं की प्राप्ति हेतु संचालक मण्डल, प्रबंध संचालक को अधिकृत करेगा।

20.3 निगम के त्वरित आवश्यकता हेतु छः माह तक के लिए संविदा नियुक्ति का अधिकार रिक्त पद एवं बजट सीमा के अधीन प्रबंध संचालक को होगा। संचालक मण्डल अधिकतम एक वर्ष के लिए ऐसी अनुमति दे सकेगा।

परंतु यदि किसी सेवानिवृत्त शासकीय सेवक को निगम में संविदा नियुक्ति दी जानी हो उस स्थिति में राज्य शासन के निर्देशों का अनुसरण किया जाएगा।”

28. So far as the contention of petitioner that respondent No.1 has not complied with the proviso appended to Rule 20.3 of the M.P. TRIFAC Service Rules, 2017, this Court is of the considered opinion that the said proviso is not attracted in the present case, for the reason that respondent No.2 was not a retired government servant but an employee of respondent No.1 (Corporation) itself, which is an autonomous statutory body. The contractual engagement of respondent No.2, who retired from the services of the Corporation and not from the State Government, therefore, does not fall within the ambit of proviso to Rule 20.3 of the M.P. TRIFAC Service Rules, 2017. Consequently, no prior approval or compliance with State Government instructions was required in the facts of the present case. The action of respondent No.1



is thus traceable to the main provision of Rule 20.3 of the M.P. TRIFAC Service Rules, 2017 and cannot be held to be illegal or arbitrary on this ground. Such exercise of discretion by an autonomous body, in the absence of any statutory violation or mala fides, does not warrant judicial interference.

29. Moreover, Rule 15A of the Madhya Pradesh Civil Services (Contractual Appointment) Rules, 2017 reads as under:-

“15-A. If any retired Government servant is proposed to be appointed on contract basis in any Public Undertaking/Corporation/Board/Commission/University, such appointment shall be made only after following the prescribed criteria and procedure. The order of contractual appointment shall be issued only after obtaining the recommendation of the Scrutiny Committee and approval of the Cabinet. This policy shall be applicable in all cases of persons who are proposed to be appointed on contract basis after attaining the age of superannuation, whether such appointment is made immediately after retirement or after any intervening period, in Public Undertakings/Corporations/Boards/Commissions/Universities.”

30. So far as the contention of the petitioner regarding non-compliance of Rule 15-A of the Madhya Pradesh Civil Services (Contractual Appointment) Rules, 2017, as amended on 25/05/2018, is concerned, this Court is of the considered opinion that the said provision is also not attracted in the facts of the present case. Rule 15-A



specifically applies to cases where a retired Government servant is proposed to be appointed on contract basis in any Public Undertaking/Corporation/Board/Commission/University. In the present matter, respondent No.2 was not a retired Government servant of the State, but was an employee of respondent No.1 Corporation itself, which is an autonomous statutory body. The retirement of respondent No.2 was from the services of the Corporation and not from State Government service. Therefore, the requirement of obtaining recommendations of the Scrutiny Committee and approval of the Cabinet, as contemplated under Rule 15-A, does not arise. Consequently, the contractual engagement of respondent No.2 does not fall within the ambit of Rule 15-A of the Contractual Appointment Rules, 2017. The action of respondent No.1 does not thus *dehors* the applicability of the said Rule and cannot be faulted on this ground. In the absence of any violation of statutory provisions or demonstrable arbitrariness, the decision taken by the autonomous Corporation does not call for interference by this Court under Article 226 of the Constitution of India.

31. Further, the M.P. Civil Services (Contractual Appointment) Rules, 2017 expressly permit contractual engagement in exceptional cases where specialized experience, technical expertise and administrative continuity are required. Respondent No.1, being an autonomous body, is competent to invoke such power, and no provision



has been shown to require prior approval of the State Government for such short-term contractual arrangements.

32. This Court further holds that Respondent No.1 is an autonomous statutory body entrusted with technical and administrative functions. In absence of a regularly appointed Chief Engineer, the Corporation is fully empowered to appoint any person found best suited, either on in-charge, temporary or ad-hoc basis, to ensure continuity and efficiency of administration. Such discretion, when exercised in accordance with the Rules, cannot be curtailed or substituted by judicial opinion.

33. The record demonstrates that Respondent No.2 retired as a Superintending Engineer, as reflected from Order dated 31/03/2021 (Annexure R-2/2), and had earlier been entrusted with the charge of Chief Engineer. The impugned re-appointment was purely a stop-gap arrangement necessitated by absence of an eligible in-house officer and was made to prevent administrative vacuum. Eventually, the petitioner cannot as a matter of right claim parity wherein undisputedly the petitioner is holding the post of Executive Engineer.

34. The contention of the petitioner that Respondent No.1 has not followed Rule 19.1 of the TRIFAC Rules, 2017 while issuing the advertisement is devoid of substance. Rule 19.1 specifically provides as under:



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“19. प्रतिनियुक्ति द्वारा सेवायोजन :-
19.1 अनुसूची तीन में वर्णित प्रतिनियुक्ति से भरे जाने वाले पदों को निहित सीमा तक शासन के विभागों एवं उनके प्रशासकीय नियंत्रण वाले निगम, मण्डलों, अन्य संस्थाओं के अधिकारियों की प्रतिनियुक्ति सेवा से भरा जाएगा।”

A perusal of the advertisement dated 02.12.2025 (Annexure P/4) clearly shows due compliance of the aforesaid Rule, as it stipulates:-

“प्रतिनियुक्ति हेतु इच्छुक आवेदक अर्थात् केन्द्र सरकार/राज्य सरकार के शासकीय विभागों एवं उसके अधीन निगम/मण्डलों/सार्वजनिक उपक्रम/स्वायत्त (Autonomous)/अर्ध-स्वायत्त (Semi-autonomous) संस्थाओं में कार्यरत अधिकारी अपने आवेदन विभाग प्रमुख के माध्यम से अनापत्ति प्रमाण पत्र के साथ विभागीय जाँच/आपराधिक प्रकरण/अन्य किसी प्रकार की जाँच संबंधी आदि प्रमाण पत्रों को अपलोड करते हुए <http://services.mp.gov.in/eservice/> के माध्यम से प्रेषित कर सकेंगे।”

From a conjoint reading of Rule 19.1 of the TRIFAC Rules, 2017 and the terms of the advertisement dated 02.12.2025, it is evident that the posts were sought to be filled by way of deputation from officers working in Government departments and allied corporations/boards/autonomous bodies, strictly in accordance with the statutory mandate. Therefore, the plea of the petitioner regarding non-compliance of Rule 19.1 stands negatived, and it is held that Respondent No.1 has fully adhered to the requirement of the TRIFAC Rules, 2017.

35. This Court is of the considered view that in-charge or ad-hoc arrangements do not create any vested or enforceable right in favour of



any employee. It is within the exclusive domain of the administration to decide as to whom such charge should be entrusted, based on experience, suitability and institutional requirements. Judicial interference in such matters is warranted only in cases of *mala fides* or statutory violation, none of which is established herein.

36. The law laid down by the Hon'ble Supreme Court in **State of Haryana v. Piara Singh, (1992) 4 SCC 118, and reaffirmed in State of Karnataka v. Umadevi, (2006) 4 SCC 1, and J & K Public Service Commission v. Dr. Narinder Mohan, (1994) 2 SCC 630,** clearly recognizes that exigencies of administration may justify temporary or ad-hoc appointments, subject to the obligation that such arrangements are replaced by regular appointments at the earliest. The action of Respondent No.1 is fully in consonance with the said legal position, wherein it has been categorically held that:-

25. This Court then concluded in paras 45 to 49 : (SCC p. 152)

“45. The normal rule, of course, is regular recruitment through the prescribed agency but exigencies of administration may sometimes call for an ad hoc or temporary appointment to be made. In such a situation, effort should always be to replace such an ad hoc/temporary employee by a regularly selected employee as early as possible. Such a temporary employee may also compete along with others for such regular selection/appointment. If he gets selected, well and good, but if he does not, he must give way to the



regularly selected candidate. The appointment of the regularly selected candidate cannot be withheld or kept in abeyance for the sake of such an ad hoc/temporary employee.

46. Secondly, an ad hoc or temporary employee should not be replaced by another ad hoc or temporary employee; he must be replaced only by a regularly selected employee. This is necessary to avoid arbitrary action on the part of the appointing authority.

47. Thirdly, even where an ad hoc or temporary employment is necessitated on account of the exigencies of administration, he should ordinarily be drawn from the employment exchange unless it cannot brook delay in which case the pressing cause must be stated on the file. If no candidate is available or is not sponsored by the employment exchange, some appropriate method consistent with the requirements of Article 16 should be followed. In other words, there must be a notice published in the appropriate manner calling for applications and all those who apply in response thereto should be considered fairly.

48. An unqualified person ought to be appointed only when qualified persons are not available through the above processes.

49. If for any reason, an ad hoc or temporary employee is continued for a fairly long spell, the authorities must consider his case for regularisation provided he is eligible and qualified according to the rules and his service record is satisfactory and his appointment does not run counter to the reservation policy of the State.”



37. In view of the aforesaid discussion, this Court is of the considered opinion that the petitioner has failed to demonstrate any statutory, legal or enforceable right to be appointed or entrusted with the charge of Chief Engineer. The claim founded merely on seniority is contrary to the express mandate of the M.P. TRIFAC Service Rules, 2017.

38. This Court further holds that Respondent No.1, being an autonomous statutory corporation, acted well within its jurisdiction and administrative competence in re-appointing Respondent No.2 on a temporary contractual basis as a stop-gap arrangement which is in consonance of the TRIFAC Rules 2017 and MP Civil Services (Contractual Appointment) Rules 2017. The impugned action neither suffers from arbitrariness nor violates any statutory provision.

39. However, in consonance with the settled law, this Court deems it appropriate to observe that such temporary or ad-hoc arrangements cannot be permitted to continue indefinitely. Respondent No.1 is expected to take expeditious steps to fill up the post of Chief Engineer by regular appointment strictly in accordance with the applicable Rules.

40. Accordingly, the writ petition being devoid of merit is hereby **dismissed**. However Respondent No.1 is directed to complete the process of appointment to the post of Chief Engineer within a period of **six months** from the date of this order as contemplated under the Rules.

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41. Pending applications shall be **disposed off** accordingly.

(Jai Kumar Pillai)
Judge

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