

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP(S) No.10496 of 2019**

- Jhaggulal Upadhyay S/o Late Hari Prasad Upadhyay Aged About 63 Years Retired Lecturer, R/o Village And Post Gatadih, Tahsil Sarsiwa, District Balodabazar-Bhatapara, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. The Accountant General Government Of Chhattisgarh, Raipur, Chhattisgarh
3. The Director Directorate Of Public Instructions, Chhattisgarh, Atal Nagar, Raipur, Chhattisgarh
4. The Joint Director Treasury, Accounts And Pension, Bilaspur Division, Bilaspur, Chhattisgarh

----Respondents

For Petitioner	:	Mr. K.P. Sahu, Advocate
For State	:	Mr. Kapil Maini, PL
For Respondent No.2	:	Mr. Rajkumar Gupta, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****12/12/2019**

1. Heard.
2. Learned counsel for the petitioner would submit that the issue involved in the present writ petition has already been considered and decided by this Court in WPS No.6016 of 2019, therefore, the same order may be passed in the present writ petition also.
3. This Court in WPS No.6016 of 2019 on 13.08.2019 has passed the following order:-

“1. The grievance of the petitioners in the present petition is for grant of benefit of one annual increment while fixing pension and other retiral dues payable to the petitioners.

2. According to the learned counsel for the petitioners, the petitioners retired from service on 30th June, 2019. Since the petitioner retired from service w.e.f. 30.06.2019, they would be entitled for the annual increment that would be payable to them for the period between 1st of June, 2018 to 30th of June, 2019 as the date of annual increment payable to the petitioners are 1st of July. Therefore, according to the counsel for the petitioners, while quantifying pension and other retiral dues, the annual increment which the petitioners became entitled for having worked till 30th June, 2019 has to be added to the last pay and other allowances also.

3. Given the said facts and circumstances of the case, let the concerned respondent consider the case of the petitioners for grant of one annual increment to the last salary which the petitioners have received for the purpose of quantifying pension and other retiral dues. While deciding the claim of the petitioners, the respondent shall take into consideration the judgment of the Division Bench of Madras High Court in the case of P. Ayyamperumal vs. The Registrar, Central Administrative Tribunal decided on 15.09.2017 in W.P.No.15732 of 2017.

4. With the aforesaid direction, the writ petition stands disposed of.”

4. Learned State counsel has no objection.
5. It is ordered accordingly. The ratio laid down in the case supra shall also govern the cause of lis in this case and will have the same effect and operation.
6. With such observation, the writ petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge