IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 18th OF JANUARY, 2024

WRIT PETITION No. 981 of 2024

BETWEEN:-

1. **RAVINDRA SINGH TOMAR S/O LATE SHRI KAPTAN SINGH TOMAR, AGED ABOUT 64 YEARS, OCCUPATION: RETIRED B-54 BHAGAT SINGH NAGAR, BHIND ROAD, DISTRICT GWALIOR M.P. (MADHYA PRADESH)**

2. **RAMPRAKASH SINGH TOMAR S/O LATE SHRI LOCHAN SINGH TOMAR, AGED ABOUT 63 YEARS, OCCUPATION: RET. V.I.P. ROAD ARJUN TOMAR PARSHAD WALI GALI SANJAY COLONY (MADHYA PRADESH)**

3. **PREM SINGH KHANNA S/O SHRI PARASRAM KHANNA, AGED ABOUT 63 YEARS, OCCUPATION: RET. GRAM VEERAMPURA POST DHARAI THASIL ATER, BHIND (MADHYA PRADESH)**

4. **HARI SINGH KANSANA S/O SHRI SARDAR SINGH KANSANA, AGED ABOUT 63 YEARS, OCCUPATION: RET. RUI KI MANDI PURANI JEEN GALI NO. 1, MORENA (MADHYA PRADESH)**

5. **BABU PRASAD PACHORI @ B.P. PACHORI S/O SHRI MEVARAM PACHORI, AGED ABOUT 67 YEARS, OCCUPATION: RET. MAKAN NO. 748 SHARMA FARM ROAD PRASAD NAGAR CHAR SAHAR KA NAKA HAJIRA, GWALIOR (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI DILIP KUMAR SHARMA - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH PRINCIPAL SECRETARY, KISAN KALYAN TATHA KRISHI VIKAS, VALLABH BHAWAN BHOPAL (MADHYA PRADESH)**

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2. **COMMISSIONER, SAH SANCHALAK/SANCHALAK KISHAN KALYAN KARSHI VIBHAG VINDYACHAL BHAWAN, GOVT. OF M.P. (MADHYA PRADESH)**

3. **ANUBHIBAGIYA KARSHI ADHIKARI UP SAMBHAG MORENA, DISTT. MORENA (MADHYA PRADESH)**

4. **ANUBHIBAGIYA KARSHI ADHIKARI UP SAMBHAG PICHORE, DISTT. SHIVPURI (MADHYA PRADESH)**

5. **SAMBHAGIYA SAYUKT SANCHALAK LEKHA KOSH PENSION VIBHAG MOTI MAHAL, GWALIOR (MADHYA PRADESH)**

6. **SAMBAGIYA JILA PENSION ADHIKARI MORENA (MADHYA PRADESH)**

7. **SAMBAGIYA JILA PENSION ADHIKARI SHIVPURI (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI SUSHANT TIWARI- GOVT. ADVOCATE)

This petition coming on for admission this day, the court passed the following:

ORDER

1. The instant petition has been preferred by petitioners, under Article 226 of the Constitution of India, being aggrieved by the inaction of the respondents in not extending the benefit of increment. Petitioners no. 1 was retired on 30.6.2022, petitioner no. 2 to 4 were retired on 30.6.2023 and petitioner no. 5 was retired on 30.6.2016. However, they were denied increment on the pretext that they are not entitled.

2. Learned counsel for petitioners submits that whether a government employee retiring on 30th June of a year is entitled to avail the benefit of increment as fixed on 1st of July is being decided by the Supreme Court recently in the case of the **Director (Admn. and HR) KPTCL & Ors. vs. C.P. Mundinamani & Ors., Civil Appeal No.2471/2023 dated 11.04.2023,**

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wherein after considering the judgments of different High Courts including the Madhya Pradesh High Court it has been held that benefit of annual increment which is to be added on 1st of July every year shall be paid to the employee who is going to be retired on 30th June of the said year. It is further submitted that controversy is now no longer res integra. The present petitioners stood retired on 30th June of respective year, therefore, they are entitled to avail the benefit of annual increment which was to be added in July of every year.

3. Learned counsel for respondent/State could not dispute the passing of said order. However, he submits that it appears that SLP arising out of judgment of Division Bench of this Court is still pending consideration before the Supreme Court.

4. Heard the counsel for the parties and perused the documents appended thereto.

5. After going through the judgment delivered by the Apex Court in the case of **C.P. Mundinamani (supra)**, in para 6.3 and 6.7 it appears that the view of M.P. High Court in the case of **Yogendra Singh Bhadauria and ors. vs. State of Madhya Pradesh** has been considered in favour of employee who is retiring on 30th June of that year. Once the Apex Court has decided the controversy and found the employee entitled for the benefit of approval of entitlement to receive increment while rendering the services over a year with good behaviour and efficiency then it appears that petitioner has made out his case.

6. Resultantly, respondents are directed to grant the benefit of annual increment which was to be added in case of petitioner no. 1 w.e.f 01.07.2022, petitioner no. 2 to 4 w.e.f. 01.07.2023 and petitioner no. 5 w.e.f 01.7.2016 and recalculate the benefit of retiral dues and pension etc. and issue fresh pension

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payment order in favour of the petitioners, if not already issued, that too within a period of three months from the date of submission of certified copy of this order.

7. Petition stands allowed and **disposed of in above terms.**

(MILIND RAMESH PHADKE)
JUDGE

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