IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

ON THE 2nd OF FEBRUARY, 2024

WRIT PETITION No. 1611 of 2024

BETWEEN:-

1. **ISHWAR LAL PANDYA S/O SHRI SHIV SHANKAR PANDYA, AGED ABOUT 65 YEARS, OCCUPATION: RETIRED ASSTT.TEACHER R/O VILLAGE BAGHERA, TEHSIL TARANA, (MADHYA PRADESH)**

2. **LAXMI NARAYAN SWARNAKAR S/O SHRI SHANKAR LAL SWARNAKAR, AGED ABOUT 73 YEARS, OCCUPATION: RET. BLOCK EDUCATION OFFICER 196, VRINDAVAN DHAM COLONY, INDORE ROAD, UJJAIN (MADHYA PRADESH)**

.....PETITIONER

(NONE FOR THE PETITIONER)

AND

1. **THE STATE OF MADHYA PRADESH SECRETARY VALLABH BHAWAN BHOPAL (MADHYA PRADESH)**

2. **DIRECTORATE, DIRECTORATE OF PUBLIC INSTRUCTIONS DEPARTMENT BHOPAL (MADHYA PRADESH)**

3. **DISTRICT EDUCATION OFFICER DEPARTMENT UJJAIN DIST. UJJAIN (MADHYA PRADESH)**

4. **DISTRICT TREASURY OFFICER TREASURY AND ACCOUNTS DEPARTMENT DISTRICT UJJAIN (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI KUSHAL GOYAL, DEPUTY ADVOCATE GENERAL)

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

ORDER

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The petitioners have filed the present petition under Article 226 of the Constitution of India for issuance of an appropriate writ, order or direction, directing the respondents to grant him annual increment fell due on 01.07.2013 & 01.07.2020. The petitioners retired from service on 30.06.2013 & 30.06.2020 respectively, after attaining the age of superannuation.

02. It has been stated in the petitioner that the issue involved in the present case has already been settled on 11.04.2023 by the Supreme Court recently in the case of ***Director (Admn. & HR) KPTCK & Others v/s C.P. Mundinamani & Others [Civil Appeal No.2471 of 2023 @ SLP (C) No.6185 of 2020]*** *reported in* ***2023 LiveLaw (SC) 296***, wherein it has been held that the benefit of annual increment which was to be added on 1st of July every year shall be paid to the employee who got retired on 30th of June of the said year, therefore, the present petitioners are also entitled to get the said benefit.

03. Considering the aforesaid and taking note of the judgment passed by the Supreme Court in the case of *C.P. Mundinamani (supra)* , the respondents are directed to grant the benefit of annual increment which was to be added with effect from 01.07.2013 & 01.07.2020 and recalculate the benefit of retiral dues and pension and issue fresh Pension Payment Order (PPO) in favour of the petitioners within a period of three months from the date of receipt of certified copy of this order.

04. Since there is a delay on the part of the petitioners in approaching this Court, thus they shall not be entitled for entire arrears / interest, however, the same shall be payable to them from the last three years as well as due annual increment only. PPO be accordingly revised.

05. With the aforesaid, Writ Petition stands allowed.

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(VIVEK RUSIA)
JUDGE

Ravi

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