IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUSHRUT ARVIND DHARMADHIKARI

ON THE 2nd OF FEBRUARY, 2024

WRIT PETITION No. 1642 of 2024

BETWEEN:-

1. **ASHWANI KUMAR KHULLAR S/O SHRI KRISHNA KUMAR KHULLAR, AGED ABOUT 64 YEARS, OCCUPATION: RETIRED ASSTT. TEACHER 43, KARMCHARI COLONY, KALAPIPAL MANDI, DISTRICT SHAJAPUR (MADHYA PRADESH)**

2. **MOHAN LAL BAGHELA S/O SHANKAR LAL, AGED ABOUT 65 YEARS, OCCUPATION: RETIRED ASSISTANT TEACHER RAILWAY STATION ROAD MAKSI DISTIRCT SHAJAPUR (MADHYA PRADESH)**

3. **RAMESH CHANDRA PARMAR S/O BHERULAL PARMAR, AGED ABOUT 65 YEARS, OCCUPATION: RETIRED ASSISTANT TEACHER ASHARAM COLONY AB ROAD NEAR RAILWAY CROSSING MAKSHI DIST SHAJAPUR (MADHYA PRADESH)**

4. **KAILASH CHANDRA SUTREDIYA S/O MOHAN SINGH SUTREDIYA, AGED ABOUT 65 YEARS, OCCUPATION: RETIRED ASSISTANT TEACHER H.NO. SECTOR-A 222 GIRIRAJ RATAN COLONY KANIPURA TARANA ROAD UJJAIN ASHARAM COLONY AB ROAD DIST SHAJAPUR (MADHYA PRADESH)**

.....PETITIONERS

(MS. TRAPTI SONI, ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH SECRETARY MINISTRY OF SCHOOL EDUCAITON DEPARTMENT VALLABH BHAWAN BHOPAL (MADHYA PRADESH)**

2. **D I R E C T O R DIRECTORATE OF PUBLIC INSTRUCTION (DPI) BHOPAL (MADHYA PRADESH)**

Signature Not Verified
Signed by: JAGADISHAN AIYER
Signing time: 02-02-2024 16:57:09

3. DISTRICT EDUCATION OFFICER SHAJAPUR (MADHYA PRADESH)

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

.....RESPONDENTS

(SHRI BHUWAN DESHMUKH, GOVERNMENT ADVOCATE)

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

ORDER

By the instant petition, the petitioners are claiming that although petitioner No.1 stood retired on 30/06/2021 and petitioners No.2 to 4 stood retired on 30/06/2020 and the annual increments were to be added on 1st of July of that year, but they were not granted the said benefit.

2. Learned counsel for the petitioners submits that the issue involved in the present case has already been settled by the Supreme Court recently in **Civil Appeal No.2471/2023 (The Director {Admn. and HR KPTCK and Ors. Vs. C.P. Mundinamani & Ors.)** wherein it has been held that 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 petitioner is also entitled to get the said benefit.

3. Considering the aforesaid and taking note of the judgment passed by Supreme Court in case of **C.P. Mundinamni (Supra)**, this petition is **allowed**, directing the respondents to grant the benefit of annual increment which was to be added with effect from 01/07/2021 & 01/07/2020 respectively and recalculate the benefit of retiral dues and pension and issue fresh PPO in favour of the petitioners within a period of three months from the date of

Signature Not Verified
Signed by: JAGADISHAN AIYER
Signing time: 02-02-2024 16:57:09

submitting copy of this Court order. The petitioners shall also be entitled to interest @ 6% per annum over the aforesaid arrears of pension from the date the arrears became due till the date of payment.

4. With the aforesaid, the petition stands **allowed**.

(S. A. DHARMADHIKARI)
JUDGE

Aiyer

Signature Not Verified
Signed by: JAGADISHAN AIYER
Signing time: 02-02-2024 16:57:09