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. 16519 of 2023

BETWEEN:-

DR. NEELAM KAPIL W/O ARUN KAPIL, AGED: 67 YEARS, OCCUPATION: RETIRED PROFESSOR, R/O: 10, STATE BANK COLONY, DEWAS ROAD, UJJAIN (MADHYA PRADESH)

.....PETITIONER

(BY SHRI MURTUZA BOHRA - ADVOCATE.)

AND

1. **THE STATE OF MADHYA PRADESH, THROUGH THE COMMISSIONER, HIGHER EDUCATION DEPARTMENT, 5 TH FLOOR, SATPURA BHAWAN, BHOPAL (MADHYA PRADESH)**

2. **THE REGISTRAR, VIKRAM UNIVERSITY UJJAIN, UNIVERSITY ROAD, MADHAV BHAWAN, NEAR VIKRAM VATIKA, UJJAIN (MADHYA PRADESH)**

3. **THE PRINCIPAL MADHAV SCIENCE COLLEGE, UJJAIN-DEWAS ROAD, UJJAIN (MADHYA PRADESH)**

.....RESPONDENTS

(RESPONDENTS NO.1 AND 3 - STATE OF MADHYA PRADESH BY SHRI SUDHANSHU VYAS - ADVOCATE APPEARING ON BEHALF OF ADVOCATE GENERAL.)

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

ORDER

The petitioner has filed the present petition under Article 226 of the Constitution of India seeking the following relief: -

Signature Not Verified
Signed by: RAMESH CHANDRA PITHAWE
Signing time: 2/2/2024 6:14:48 PM

"**7. RELIEF**

a) To allow the present petition with costs.

b) To issue appropriate writ / order / direction to the respondents to grant revised pension with entire arrears in accordance with notification dated 26-10-17 and to revise the pension of the petitioner from time to time at par with the state government employee in future also.

c) To issue appropriate writ / order / direction to the respondents to pay the interest @ 12 % on delayed payment of pension and pensionary benefits as per Finance Department Circular F.B.6/19/83/Rule-2/Four dated 25-04-1984 upheld decision passed by division bench in State of M.P. v. Ramji Das Agarwal reported in 2013 (1) M.P.L.J. 53.

d) any other relied that this Hon'ble Court deems fit."

2. Learned counsel for the petitioner submits that the case of the present petitioner is squarely covered by decision dated **03.02.2015** rendered by the Single Bench of this Court in the case of **Dr. Surendra Kumar Gupta S/o Late Shri Dhirendra Narayan Gupta** v. **The State of Madhya Pradesh and others** (**Writ Petition No.12169 of 2013**), which has been affirmed by a Division Bench of this Court vide order dated **29.01.2016** passed in **Writ Appeal No.372 of 2015**. Thereafter, **Petition for Special Leave to Appeal (C) No (s).10143/2016** (Arising out of impugned final judgment and order dated 29.01.2016 in WA No.372/2015 passed by the High Court of MP at Indore) preferred by the State of Madhya Pradesh was also dismissed on **22.04.2016**. Hence, a prayer is made for issuance of the identical directions in the present writ petition also.

3. Learned counsel appearing for the respondents have not disputed the aforesaid legal position of law.

4. In this view of the matter, the present writ petition is also disposed off in the light of order dated **03.02.2015** passed by the Single Bench of this Court in the case of **Dr. Surendra Kumar Gupta S/o Late Shri Dhirendra**

Signature Not Verified
Signed by: RAMESH CHANDRA PITHAWE
Signing time: 2/2/2024 6:14:48 PM

Narayan Gupta (supra) and the aforesaid decision would be applicable to the facts and circumstance of the present case *mutatis mutandis*.

5. Accordingly, this writ petition also stands allowed. The respondents are directed to act, in accordance with the direction contained in Dr. Surendra Kumar Gupta (supra). The State of Madhya Pradesh is directed to extend all pensionary benefits to the petitioner in view of the notification dated 26.10.2017. The exercise of granted pension, arrears of pension and other benefits by issuing a revised Pension Payment Order (PPO) be completed within a period of ninety days from the date of receipt of certified copy of this order.

Pending interlocutory application, if any, also stands disposed of.

(VIVEK RUSIA)
JUDGE

rcp

Signature Not Verified
Signed by: RAMESH CHANDRA PITHAWE
Signing time: 2/2/2024 6:14:48 PM