IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK AGARWAL

ON THE 1st OF FEBRUARY, 2024

WRIT PETITION No. 1935 of 2024

BETWEEN:-

SMR. MADHUBALA SONI W/O SHRI BALKRISHNA SONI, AGED ABOUT 62 YEARS, OCCUPATION: RETIRED ASSISTANT TEACHER R/O VILLAGE BEED, POST BEED, DISTRICT KHANDWA (MADHYA PRADESH)

.....PETITIONER

(BY SHRI ASHOK KUMAR GUPTA - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL SECRETARY SCHOOL EDUCATION DEPARTMENT MANTRALAYA, VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)**

2. **THE PRINCIPAL SECRETARY FINANCE DEPARTMENT MANTRALAYA VALLABH BHAWAN BHOPAL (MADHYA PRADESH)**

3. **COMMISSIONER PUBLIC INSTRUCTIONS GAUTAM NAGAR BHOPAL (MADHYA PRADESH)**

4. **DISTRICT EDUCATION OFFICER KHANDWA DISTRICT KHANDWA (MADHYA PRADESH)**

5. **DISTRICT PENSION OFFICER KHANDWA DISTRICT KHANDWA (MADHYA PRADESH)**

6. **DISTRICT TREASURY OFFICER KHANDWA DISTRICT KHANDWA (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI MANAS MANI VERMA - GOVERNMENT ADVOCATE)

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

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ORDER

The issue in the present petition is with regard to entitlement of annual increment to the employee on the event of retirement.

This issue has been earlier considered in the case of **The Director (Admn. and HR) KPTCL and others Vs. C.P. Mundinamani and others (Civil Appeal No.4349/2023), reported in 2023 SCC Online SC 401** wherein the Supreme Court has held thus :-

> *"21. In view of the above and for the reasons stated above, the Division Bench of the High Court has rightly directed the appellants to grant one annual increment which the original writ petitioners earned on the last day of their service for rendering their services preceding one year from the date of retirement with good behaviour and efficiently. We are in complete agreement with the view taken by the Division Bench of the High Court. Under the circumstances, the present appeal deserves to be dismissed and is accordingly dismissed. However, in the facts and circumstances of the case, there shall be no order as to costs."*

The same has been relied upon in the case of **Madhya Pradesh Power Transmission Com. Ltd. and another vs. S.R. Ramchandran and others (SLP (C) No.8219/2020)** and the Supreme Court has held thus :-

> *"Mr. Nataraj, learned Additional Solicitor General appearing on behalf of the appellant's seeks to distinguish this authority by pointing out that Regulation 40(1) of the Karnataka Electricity Board Employees Service Regulations, 1997 is different from Rule 10 of CCS (Revised Pay) Rules,2008 as also Rule 9 of the Madhya Pradesh (Pay Revision) Rules, 2009 and Rule 10 of Railway Services (Revised Pay) Rules,2008.*
>
> *We have gone through these rules and in our opinion, though these Rules are differently phrased, they have the same import, on the strength of*

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which the Co-ordinate Bench had dismissed the petition of the employer. In these circumstances, we are not inclined to interfere with the orders assailed in this set of petitions and these petitions shall stand dismissed."

Considering the aforesaid and taking note of the judgments passed by the Supreme Court in case of **C.P. Mundinamani** (supra) and **S.R. Ramchandran** (supra), this petition is allowed, directing the respondents to grant the benefit of annual increment which was to be added with effect from 01.07.2023 and recalculate the benefit of retiral dues and pension and issue fresh PPO in favour of the petitioner within a period of three months from the date of submitting copy of this order.

With the aforesaid, the petition stands allowed.

(VIVEK AGARWAL)
JUDGE

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