IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15603 of 2024

1. Chandr Bhan Tiwari @ Chandrabhan Tiwari Son of Late Paras Nath Tiwari, Resident of Village - Piprahiyan, P.S. Bhatpar Rani, District - Deoria, Uttar Pradesh.
2. Hari Shankar Pandey, Son of Late Shyam Jeet Pandey, Resident of Village - Janua, P.S. - Lar, District - Deoria, Uttar Pradesh.
3. Suryanath Prasad Khushwaha, Son of Late Ramvriksh Khushwaha, Resident of Village - Chhotkagao, P.S. - Bhatpar Rani, District - Deoria, Uttar Pradesh.
4. Ramashray Yadav, Son of Late Shiv Narayan Yadav, Resident of Village - Bharauli, P.S. Bhatpar Rani, District - Deoria, Uttar Pradesh.
5. Rajkishor Kushwaha, Son of Late Satyanarayan Kushwaha, Resident of Village - Lar, P.S. Lar, District - Deoria, Uttar Pradesh.
6. Kapildeo Singh, Son of Late Satyanarayan Singh, Resident of Village - Tekua, P.S. - Bhaluani, District - Deoria, Uttar Pradesh.
7. Smt Kamla Singh, Wife of Girish Chandra Singh, Resident of Ward No. 8, House No. 408, Deoria Khas, P.S. Deoria Sadar, District - Deoria, Uttar Pradesh.
8. Pramod Kumar Mishra, Son of Late Patshari Mishra, Resident of Azad Nagar, Nahar Road, New Shivpuri Rustamour, Near Opex School, P.S. - Cantt, District - Gorakhpur, Uttar Pradesh.
9. Chaturanan Pandey, Son of Late Ghurbhari Pandey, Resident of Village - Babhanauli Pandey, P.S. - Lar, District - Deoria, Uttar Pradesh.

... ... Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary. Department of Education, Govt. of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Additional Chief Secretary, Department of Finance, Govt. of Bihar, Patna.
4. The Secretary (Resources), Department of Finance, Govt. of Bihar, Patna
5. The Director, Secondary Education, Dept of Education, Govt of Bihar, Patna.
6. The Accountant General, Government of Bihar, Patna.

... ... Respondent/s

with

Civil Writ Jurisdiction Case No. 17997 of 2024

1. Braj Bhushan Roy Son of Sri Naga Rai, Resident of Village- Shahila Bali, P.S.- Hathauri, District- Muzaffarpur.

2. Pramila Devi, Wife of Sri Ramashray Singh, Resident of Village- Nanhakchak, P.O.- Dilawar (Gobardhan), P.S.- Bidupur, District- Vaishali.
3. Devendra Prasad Singh, Son of Late Gagandev Singh, Resident of Village- Ratanpura, P.O. and P.S.- Motipur, District- Muzaffarpur.
4. Bachcha Singh, Son of Late Pravesh Singh, Resident of Village- Khantari, P.O.- Birahima Bazar, P.S.- Rajepur, District- Muzaffarpur.
5. Kamaldeo Narayan Singh, Son of Late Radhe Singh, Resident of Village- Nakta, P.O.- Bariyarpur (Bajidpur), P.S.- Motipur, District- Muzaffarpur.
6. Hari Mohan Prasad Singh, Son of Late Indradmal Singh, Resident of Village- Daulatpur, P.O.- Harouli, P.S.- Hajipur, District- Vaishali.
7. Md. Iqbal Ahmad, Son of Late Sami Ahmad, Resident of Mohalla- Dargah Road (Neem Tal), P.O.- Mahendru, P.S.- Sultanganj, District- Patna.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. Principal Secretary, Education Department, Govt. of Bihar, Secretariat, at Patna.
3. Director, Madhyamik Shiksha Board, Govt. of Bihar, Secretariat at Patna.
4. Secretary, Finance Department, Govt. of Bihar, Secretariat, at Patna.
5. Chief Accounts Officer, Govt. of Bihar, Secretariat at Patna.
6. District Education Officer, Vaishali at Hajipur.
7. District Education Officer, at Muzaffarpur.
8. District Education Officer, at East Champaran.

... ... Respondent/s

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Appearance :
(In Civil Writ Jurisdiction Case No. 15603 of 2024)
For the Petitioner/s : Mr. Tej Bahadur Singh, Sr. Adv.
Mr.Shashank Chandra, Adv.
For the Respondent/s : Mr.Government Advocate (13)
(In Civil Writ Jurisdiction Case No. 17997 of 2024)
For the Petitioner/s : Mr. Dharam Nath Yadav, Adv.
Mr. Ranvijay Singh,Adv.
For the Respondent/s : Mr.Standing Counsel (10)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

7 14-05-2026 Heard Mr. Tej Bahadur Singh, learned Senior counsel for the petitioners who appeared through virtual mode in CWJC No. 15603 of 2024 and Mr. Dharam Nath Yadav,

learned counsel for the petitioners in CWJC No. 17997 of 2024 and the learned counsel representing the State-Respondents.

2. Since both the aforesaid writ petitions arise out of the same cause of action, they are being heard and disposed of by a common order together.

3. The relief(s) sought for in CWJC No. 15603 of 2024 filed on 05.10.2024 is as follows:-

> *" For issuance of a Writ in the nature of a Writ of Certiorari, or any other appropriate Writ, order, direction, for quashing of Clause 5 of the Resolution issued vide Memo No. 7831 dated 22.07.2024, by Respondent No. 4. whereby the Respondent No. 4 has erroneously declared that the benefits of the Judgment passed in Civil Appeal No. 2471 of 2023 i.e. the grant of one annual increment, shall be given only to those government employees who superannuated from services after 11.04.2023 on 30th of June or 31st of December. The Petitioners further prays for a consequential Writ of Mandamus, or any other appropriate Writ, order, direction, commanding the Respondents, particularly the Respondent No. 5, to grant the Petitioners the benefit of annual increment for the services rendered by them during the*

last year of their retirement, as the Petitioners who have retired on 30th of June, have been illegally denied the benefits of annual increment on the ground that the annual increment under revised pay structure is admissible to an employee on 1st of July, upon rendering 6 months of service, whereas the Petitioners have completed one year of service which per se entitles them to receive the benefits of annual increments in-view of the law laid down in the case of The Director (Admn. And HR) KPTCL & Ors vs C.P. Mundinamani & Ors. preferred before Hon'ble Apex Court in Civil Appeal No. 2471 of 2023, reported in 2023 (3) BLJ SC 91. The Petitioners also prays for consequential direction upon the authorities to revise their last pay drawn after granting them the benefits of annual increment and also for a direction upon the Accountant General, Bihar to accordingly revise the pension of the Petitioners after considering the revision made in the last pay drawn of the Petitioners."

4. While the writ petition bearing CWJC No. 17997 of 2024 filed on 26.11.2024 has been preferred for the following relief(s):-

"i. For issuance of an appropriate writ in the nature of mandamus commanding

and directing the respondent authority to pay the dues of the arrears of with one increment of the last year of their retirements with arrears by way of fixing their pensions after giving one-year increment to the petitioners. The petitioners have retired from the post of Assistant Teacher.

ii. That petitioner no.-1 Braj Bhushan Roy retired from SMS Higher Secondary School, Dighi Vaishali on 30.06.2014 bearing PPO No.-201511051532, petitioner no.-2 Parmila Devi retired Govt. High School at Mathura Gokhula Vaishali, on 30.06.2014, bearing PPO No.-201411052990, petitioner no.-3 Devendar Pd. Singh retired from BAAP+2 school at Bara Chakiya, East Champaran on 30.06.2010 bearing PPO No. 201111053611, petitioner No.-4 Bachcha Singh retired B. Higher Secondary School, Birhima Bagar Prakhand, Motipur, P.S.-Rajepur, District Muzaffarpur bearing his PPO No.-201411052459 on 30.06.2014, petitioner no.-5 Kamaldeo Narayan Singh retired from Higher Secondary School at Motipur District Muzaffarpur on 30.06.2010 bearing his PPO No. 201011052394, petitioner no.-6 Harimohan Pd. Singh retired from Sri Maharaj Singh High School at Sirsha Ram Ray Lalganj, District Vaishali on 30.06.12 *bearing his PPO No. 201211052055, Petitioner No.-7 Md. Eqbal Ahmad retired from L.N. High School, Bhawanipur, Vaishali on 30.06.2012 bearing his PPO No.- 201211051866.*

iii. For any other appropriate writ/writs, order/orders, direction/directions which may be fit in the facts and circumstances of the case."

Factual Matrix in CWJC No. 15603 of 2024

5. The petitioners, nine in number, were duly appointed in service and retired from various educational institutions in the district of Siwan, Bihar, after rendering long periods of satisfactory service. The service details of the petitioners are as follows: Petitioner No. 1, Chandrabhan Tiwari, retired as **Head Master** from High School, Basantpur, on **30.06.2017**; Petitioner No. 2, Hari Shankar Pandey, retired as **In-Charge Head Master** from Dronacharya High School, Don, on **30.06.2018**; Petitioner No. 3, Suryanath Prasad Khushwaha, retired as **Assistant Teacher** from High School, Mairwa, on **30.06.2014**; Petitioner No. 4, Ramashray Yadav, retired as **Assistant Teacher** from High School, Mairwa, on **30.06.2015**; Petitioner No. 5, Rajkishor Kushwaha, retired as **Assistant Teacher** from Lok Manya Tilak High School, Guthani, on

30.06.2015; Petitioner No. 6, Kapildeo Singh, retired as **Assistant Teacher** from Hariram High School, Mairwa, on **30.06.2014**; Petitioner No. 7, Smt Kamla Singh, retired as **Assistant Teacher** from Gandhi Smarak High School, Pachrukhi, on **30.06.2020**; Petitioner No. 8, Pramod Kumar Mishra, retired as **Assistant Teacher** from DAV High School cum Gov Inter College Education Department, Siwan, on **30.06.2015** ; and Petitioner No. 9, Chaturanan Pandey, retired as **Head Master** from Kanya High School, Mairwa, on **30.06.2014**. All petitioners superannuated on the **30th of June** of their respective years, having completed exactly one full year of service from the 1st of July of the preceding year. Upon retirement, their pensions were fixed based on their last drawn salary without the inclusion of a final annual increment, as evidenced by the Pension Payment Orders annexed as Annexure P/1 (Series). This denial was predicated on Clause 10 of the Finance Department Resolution dated 21.01.2010 (Annexure P/2), which established the 1st of July as the uniform date for annual increments. The grievance of the petitioners was formalized following the issuance of Memo No. 7831 dated 22.07.2024 (Annexure P/4), whereby the Respondent No. 4 adopted directions issued in judgment dated 11.03.2023 passed by Hon'ble Apex Court, however, vide Clause 5 of the aforesaid Resolution restricted the benefits of the Supreme Court's judgment in Civil Appeal No. 2471 of 2023 on increments to only those employees retiring after 11.04.2023 on 30th of June or 31st December.

6. Mr. Tej Bahadur, learned Senior counsel for the petitioners submits that the action of the respondent authorities in denying the final annual increment is arbitrary, irrational, and in direct contravention of the law settled by the Hon'ble Apex Court in The Director ***(Admn. and HR) KPTCL & Ors vs C.P. Mundinamani & Ors. reported in 2023 (3) BLJ SC 91***. It is contended that an increment is an entitlement earned for rendering one full year of service with good conduct, and it cannot be denied merely because the employee retires the day before the technical "due date" of the 1st of July. The learned senior counsel argues that since the petitioners completed 365 days of service, they technically served until the midnight of the 30th of June and thus earned the increment for that period. The learned counsel further challenges Clause 5 of the Resolution dated 22.07.2024 (Annexure P/4) as being *ultra vires*, stating that judicial pronouncements are retrospective in effect unless a judgment explicitly stipulates prospective application.

Reference is made to Annexure P/3 (Series), which contains the orders of the Hon’ble Madras High Court in W.P. No. 15732 of 2017 and the subsequent refusal of the Hon'ble Supreme Court to interfere in SLP (C) Diary No. 22283 of 2018, both of which upheld the rights of similarly situated employees who retired on the 30th of June. It is submitted that the denial of this increment has a cascading and recurring economic effect on the petitioners' monthly pensions. Therefore, the counsel asserts that, since the Petitioners have rendered a satisfactory service of one year, preceding the date of their retirement, they all are entitled for the benefits of the annual increment, irrespective of any due date as envisaged under clause10 of the Resolution dated 21.01.2010, issued by the Department of Finance.

factual matrix of CWJC No. 17997 of 2024

7. The factual matrix of the case is that all the petitioners served as Assistant Teachers in various government schools across Bihar and superannuated on the 30th of June of their respective years of retirement, having completed one full year of service as per the rules. Petitioner No. 1, Braj Bhushan Roy, retired from SMS Higher Secondary School, Dighi, Vaishali, on 30.06.2014 (PPO No. 201511051532) while Petitioner No. 2, Pramila Devi, retired from Govt. High School,

Mathura Gokhula, Vaishali, on 30.06.2014 (PPO No. 201411052990). Petitioner No. 3, Devendra Prasad Singh, retired from BAAP+2 School, Bara Chakiya, East Champaran, on 30.06.2010 (PPO No. 201111053611) and Petitioner No. 4, Bachcha Singh, retired from B. Higher Secondary School, Birhima Bagar, Motipur, Muzaffarpur, on 30.06.2014 (PPO No. 201411052459). Petitioner No. 5, Kamaldeo Narayan Singh, retired from Higher Secondary School, Motipur, Muzaffarpur, on 30.06.2010 (PPO No. 201011052394) and Petitioner No. 6, Hari Mohan Prasad Singh, retired from Sri Maharaj Singh High School, Sirsha Ram Ray, Lalganj, Vaishali, on 30.06.2012 (PPO No. 201211052055). Petitioner No. 7, Md. Iqbal Ahmad, retired from L.N. High School, Bhawanipur, Vaishali, on 30.06.2012 (PPO No. 201211051866).

8. Sri Dharam Nath Yadav, learned counsel for the petitioners submits that despite completing a full year of service, the petitioners were denied the annual increment simply because they retired a day prior to the 1st of July—the date designated for the grant of increments under the state's pay structure. This denial is challenged as arbitrary and violative of Articles 14 and 21 of the Constitution of India. The petitioners place heavy reliance on Annexure-P/1, which is the judgment

dated 15.04.2024 passed by this Hon’ble Court in CWJC No. 2496 of 2021. The said judgment follows the landmark ruling of the Hon'ble Supreme Court in ***The Director (Admn and HR) KPTCL & Ors. Vs. C.P. Mundinamani & Ors.*** **(Civil Appeal No. 2471 of 2023)**, which held that an employee who completes one full year of service is entitled to the increment even if they retire the day before it technically falls due.

9. Furthermore, the petitioners have annexed a table as Annexure-P/2 to demonstrate the discrepancy in their current pension and the increased amount they would be entitled to upon the inclusion of the notional increment. Although the petitioners could not file their representations immediately upon retirement due to a lack of legal knowledge, they promptly submitted their grievances to the authorities as Annexure-P/3 Series (dated 14.05.2024, 20.05.2024, 21.05.2024, 22.05.2024, and 30.05.2024) once they became aware of the judicial precedents in their favour. It is submitted that since no response has been received from the respondents, the petitioners are entitled to the reliefs sought to ensure the proper fixation of their post-retirement benefits.

Submissions on Behalf of State Respondent

10. Learned counsel for the state-respondent in CWJC No. 15603 of 2024 and in CWJC No. 17997 of 2024 submits that the Finance Department, Government of Bihar, has already preferred an Intra-Court Appeal, bearing L.P.A No. 871 of 2025 (*The State of Bihar & Ors. Vs Shio Jee Rai & Ors.*), against the order dated 29.04.2025 passed in C.W.J.C No. 12575 of 2019. It is further submitted that a similar appeal, L.P.A No. 1184 of 2024 (*State of Bihar & Ors. Vs. Prafulla Chandra Chaudhary*) and also LPA No 1059 of 2025 *(The State of Bihar & Ors. Vs Prof. (Dr) Chandrawati Kuman & Ors.)* against the relied upon order dated 15.04.2024 passed in CWJC No 2496 of 2021, which is pending adjudication before this Hon'ble Court. The state's position is that the issues involved in these appeals are identical to those raised in the present writ application, and the matters are currently sub-judice.

11. The learned counsel highlights that the uniform date for annual increments was fixed as the 1st of July effective from 01.01.2006 under the 6th Pay Revision (Para 10 of Resolution No. 630 dated 21.01.2010). Subsequently, under the 7th Pay Revision (Resolution No. 3590 dated 24.05.2017), two dates; the 1st of January and the 1st of July were established.

Under these rules, an employee is entitled to an increment only if they continue to be in active service on the designated date. Since the petitioners retired on the 30th of June of their respective years, they were not in service on the 1st of July and were thus deemed ineligible for the increment under the prevailing service rules at that time.

12. It is further submitted that following the Hon'ble Supreme Court's judgment in ***The Director (Admn and HR) KPTCL & Ors. Vs. C.P. Mundinamani & Ors. (Civil Appeal No. 2471 of 2023)***, the Finance Department issued Resolution No. 7831 dated 22.07.2024. This resolution took a conscious decision to grant the benefit of one notional increment specifically to those government employees who retired on the 30th of June or 31st of December after 11.04.2023 for calculation of pension and other retiral benefits, *vide* order dated 29.04.2025 passed in C.W.J.C No. 12575 of 2019, the resolution no. 7831 dated 22.07.2024 was quashed insofar as it affected the petitioners and further granted benefit of notional increment to the petitioners. The learned counsel for the respondent maintains that they are duty-bound to abide by this specific cut-off date mandated by the Finance Department. Given that the petitioners retired long before this stipulated date, they do not fall within

the ambit of the current resolution. Consequently, the respondent prays that this Hon'ble Court may take up the present writ application only after the final disposal of the aforementioned LPAs preferred by the State.

Rejoinder to the submissions of the State-Respondents

13. Learned senior counsel Shri Tej Bahadur Singh and Shri Dharam Nath Yadav, Advocate in their rejoinder to the submission of the state-respondent submits that issues with regard to grant of annual increment to the persons having attained old-age superannuation on 30th June and 30th December respectively have already been put at rest and the applicability of the benefits to the annual increments flowing from the judgment of the Hon'ble Apex Court in Civil Appeal No. 2471 of 2023 (***KPTCL, Supra***) have further been clarified for extending benefits to the third parties, as an application having been filed *vide* Miscellaneous Application Diary No. 2400 of 2024 in Civil Appeal No. 3933 of 2023 ***(Union of India & Anr. v. M. Siddaraj),*** which was already disposed of *vide* order dated 19.05.2023, directing that the issues raised are squarely covered by the dictum of ***(KPTCL, Supra)*** rendered in Civil Appeal No. 2471 of 2023 and as such, they are also disposed of in similar

terms. But, in view of the aforementioned Miscellaneous applications having been filed in this case, the Hon’ble Apex Court clarified by directing that the benefits of enhanced pension with increment shall notionally be calculated from the date of its superannuation, while the benefits shall be extended to the third parties from the date of filing of writ petition/ interlocutory application/special leave petitions and accordingly, the Hon’ble Apex Court clarified its judgment dated 19.05.2023 *vide* interim order passed in the case of ***M. Siddaraj, (supra)*** by directing that clause (a), (b) and (c) of Order dated 06.09.2024 passed in Civil Appeal No. 3933 of 2023, is required to be treated as final directions. However, with certain modification, clause (d) came to be modified by allowing third parties to be capable of receiving enhanced pension by including one increment payable to the period of three years prior to the month, in the cases, where application for intervention/ writ application/original application said to have been filed and since the case of this petitioner is squarely covered by the said judgment, the Clause- 5 of the resolution as contained in Memo no. 7831 dated 22.07.2024, deserves to be interfered with, in view of the clarification made by the Hon’ble Apex Court *vide* its order dated 22.02.2025 passed in the case of ***M. Siddaraj,***

(supra) and, accordingly, the Clause -5 of the Resolution dated 22.07.2024, which is causing prejudice to these petitioners is required to be quashed to the extent, it is causing legal hindrances in extending the benefit of increments uniformally as per direction of the Hon'ble Apex Court.

14. Keeping in view the fact that the Hon'ble Division Bench of this Court in the case of ***State of Bihar & Ors v. Prafulla Chandra Chaudhary & Ors (LPA No. 1184 of 2024)*** has also put at rest, the issues at hand, are required to be appropriately decided by directing the benefits to flow uniformly as per the judgment of Hon'ble Apex Court in the case of ***KPTCL, (Supra)*** and ***M. Sidraj (Supra).***

<u>CONSIDERATION</u>

15. Having heard the parties and pleadings placed on records for consideration including the judgment relied upon and referred by the parties to buttress their submissions, the question which emerges for consideration is with respect to the mode of consideration for the benefit of increment in respect of all these petitioners, who are said to have superannuated in the month of June in their respective years, are to be treated as the effective date for the benefits of increment, or the 1st July be

treated as the effective date for the benefits in question by taking into consideration the past services of the individual Government employee keeping in view the judgment rendered by the Hon'ble Division Bench relying upon the judgment of Hon'ble Apex Court rendered in case of ***KPTCL, (Supra)*** and ***M. Sidraj (Supra).***

16. From the pleadings, it is quite clear that the petitioners were not in service after June 30th midnight and as per the Clause-10 of Resolution No. 630 dated 21.01.2010 of Finance Department, Government of Bihar, they could not have been extended the benefits of increment in view of the specific rider given in the aforementioned resolution. Subsequently, by complying with the direction passed by the Hon'ble Apex Court in Civil Appeal No- 2471 of 2023, the issues seems to have been given a definite shape by coming out with Memo No. 7831 dated 22.07.2024 whereby, it was resolved to grant notional benefits to persons retiring on 30th June or 31st December with effect from 11.04.2023 or in other words, the benefit would be applicable to those who are said to have retired on or after the date of judgment rendered in the case of ***KPTCL, (Supra)*** and accordingly, Clause-5 of the said Resolution dated 22.07.2024 has become the subject matter of challenge in these writ

petitions.

17. From perusal of the Hon'ble Apex Court judgment rendered in the case of ***the Director (Admn. And HR) KPTCL & Ors vs C.P. Mundinamani & Ors (supra),*** it would be evident that the judgment of the Hon'ble High Court of Allahabad, which was rendered in the case of ***Nand Vijay Singh v. Union of India*** has been approved by the Hon'ble Apex Court which is reproduced as under:-

> *"24. ... In the case of a government servant retiring on 30th of June the next day on which increment falls due/becomes payable loses significance and must give way to the right of the government servant to receive increment due to satisfactory service of a year so that the scheme is not construed in a manner that it offends the spirit of reasonableness enshrined in Article 14 of the Constitution of India."*

18. From the pleadings of the parties, it appears that the cut-off date which has been fixed in the Resolution No. 7831 dated 22.07.2024 restricting the benefits only in respect of the Government Servant retiring w.e.f 11.04.2023 and onwards, was

placed for consideration before the Hon'ble Apex Court by filing Interlocutory Application No. 01 of 2024 in SLP(C) No. 4722 of 2024 ***(Union of India & Anr. v. M. Siddaraj)*** which was heard along with other interlocutory applications, in order to clarify the date of applicability of judgment dated 11.04.2023 passed in Civil Appeal No. 2471 of 2023 [***the Director (Admn. And HR) KPTCL & Ors vs C.P. Mundinamani & Ors***] with regard to third parties and the Hon'ble Apex Court *vide* its order dated 06.09.2024 has clarified the applicability of the judgment by issuing direction which are as follows:-

> *"We are informed that a large number of fresh writ petitions have been filed.*
>
> *To prevent any further litigation and confusion, by of an interim order we direct that:*
>
> *(a) The judgment dated 11.04.2023 will be given effect to in case of third parties from the date of the judgment, that is, the pension by taking into account one increment will be payable on and after 01.05.2023. Enhanced pension for the period prior to 31.04.2023 will not be paid.*
>
> *(b) For persons who have filed writ petitions and succeeded, the directions given in the said judgment will operate as res judicata, and accordingly, an enhanced pension by taking one*

increment would have to be paid.

(c) The direction in (b) will not apply, where the judgment has not attained finality, and cases where an appeal has been preferred, or if filed, is entertained by the appellate court.

(d) In case any retired employee has filedany application for intervention/impleadment in Civil Appeal No. 3933/2023 or any other writ petition and a beneficial order has been passed, the enhanced pension by including one increment will be payable from the month in which the application for intervention/impleadment was filed.

This interim order will continue till further orders of this Court. However, no person who has already received an enhanced pension including arrears. will be affected by the directions in (a), (c) and (d)."

19. From the above, it is clear that the applicability of the order dated 11.04.2023 passed in Civil Appeal No. 2471 of 2023 has been clarified by the Hon'ble Apex Court directing that the judgment dated 11.04.2023 will be given effect to in case of third parties from the date of the judgment, that is, the pension by taking into account one increment will be payable on and after 01.05.2023 and enhanced pension for the period prior

to 31.04.2023 will not be paid.

20. In view of clarification given by the Hon'ble Apex Court with regard to the applicability of order dated 11.04.2023, it would manifest that it has clearly been recorded at Clause (a) of the order dated 06.09.2024 passed in Civil Appeal No. 3933 of 2023 that enhanced pension relating to the period prior to 31.04.2023 will not be paid, as such, no ambiguity can be seen in the resolution dated 22.07.2024 issued by the Department of Finance, Government of Bihar, which correctly records that the notional benefits given to the Government servant retiring on 30th June/31st December shall be given effect from 11.04.2023.

21. The Hon'ble Apex Court further clarified its own interim order dated 06.09.2024 with regard to the applicability of the order dated 11.04.2023 *vide* ***Miscellaneous Application Diary No. 2400 of 2024*** in ***Civil Appeal No. 3933 of 2023 (Union of India & Anr. v. M. Siddaraj)*** along with other miscellaneous applications by holding as follows:-

> *"We are inclined to dispose of the present miscellaneous applications directing that Clauses (a), (b) and (c) of the order*

dated 6-9-2024 will be treated as final directions. We are, however, of the opinion that Clause (d) of the order dated 6-9-2024 requires modification which shall now read as under:

(d) In case any retired employee filed an application for intervention/ impleadment/ writ petition/original application before the Central Administrative Tribunal/High Courts/this court, the enhanced pension by including one increment will be payable for the period of three years prior to the month in which the application for intervention/ impleadment/ writ petition/original application was filed.

Further, clause (d) will not apply to the retired government employee who have filed a writ petition/original application or an application for intervention before the Central Administrative Tribunal/ High Courts/this Court after the judgment in "Union of India & Anr. vs. M. Siddaraj", as in such cases, Clause (a) will apply."

22. In view of the clarification given by the Hon'ble Apex Court by its order dated 20.02.2025 rendered in

Miscellaneous Application Diary No. 2400 of 2024 in ***Civil Appeal No. 3933 of 2023 (Union of India & Anr. v. M. Siddaraj),*** the Resolution of the Department of Finance dated 22.07.2024, whereby *vide* Clause-5, it has been decided to restrict grant of notional benefits to the government servant retiring on 30th June/ 31st December w.e.f. 11.04.2023 deserves to be interfered with and **is accordingly, set aside** to the extent affecting the rights of these petitioners.

23. Since the Hon'ble Apex Court has further clarified the Clause (d) of order dated 06.09.2024 wherein it has been accordingly, directed that in case of retirement of the employees on 30th June/ 31st December of their respective years and whose writ petitions are already pending, in such cases, the enhanced pension by including one increment will be payable for the period of three years prior to the month in which the application for intervention/ impleadment/ writ petition/ original application was filed and since these petitioners do not fall within the first category as the writ petitions have been filed after the judgment dated 19.05.2023 rendered by the Hon'ble Apex Court in the case of ***Union of India & Anr. v. M. Siddaraj, (Civil Appeal No. 3933 of 2023)*** which leaves no room for any further clarification or interpretation with regard to

the applicability of the judgment rendered in Civil Appeal No. 2471 of 2023, and since the cases of all these petitioners fall within the second category of clarification made with regard to applicability of Clause (d) and finding these writ petitions having admittedly been filed after the order passed in the case of ***M. Siddaraj (supra)***, in such event, their notional calculation of annual increment shall be made from the date of retirement and benefits shall be extended as per Clause-(a) of the order dated 22.02.2025 passed in Miscellaneous Application Diary No.2400 of 2024 held in Civil Appeal No. 3933 of 2023 keeping in row the fact that the writ petitions in question being CWJC No. 15603 of 2024, and CWJC No. 17997 of 2024, are said to have been filed on 05.10.2024 and 26.11.2024 respectively, allows these cases to fall under the purview of Clause (a) of the order dated 22.02.2025.

24. Consequently, the authorities are required to calculate the enhanced pension with appropriate increment as per Clause (a) of the order dated 22.02.2025 passed in Miscellaneous Application Diary No.2400 of 2024 in ***Civil Appeal No. 3933 of 2023 (Union of India & Anr. v. M. Siddaraj)*** and extend the benefits with actual enhanced pensions within a period of eight weeks from the date of production of a

copy of the order passed in these cases by this Court.

25. Accordingly, both these writ petitions stand allowed.

(Ajit Kumar, J)

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