



**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE SURESH KUMAR KAIT,

CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 15th OF OCTOBER, 2024

WRIT PETITION No. 14060 of 2024

RAM PRASAD KUSHWAH

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

AND

WP/17001/2024,	WP/18050/2024,	WP/19849/2024,	WP/20618/2024,
WP/23753/2024,	WP/23841/2024,	WP/24449/2024,	WP/25228/2024,
WP/26248/2024,	WP/26306/2024,	WP/27339/2024,	WP/27627/2024,
WP/28228/2024,	WP/28303/2024,	WP/28344/2024,	WP/28362/2024,
WP/28366/2024,	WP/28391/2024,	WP/28442/2024,	WP/28445/2024,
WP/28566/2024,	WP/28571/2024,	WP/28582/2024,	WP/28609/2024,
WP/28622/2024,	WP/28810/2024,	WP/28813/2024,	WP/28847/2024,
WP/28884/2024,	WP/28999/2024,	WP/29343/2024,	WP/29345/2024,
WP/29403/2024,	WP/29404/2024,	WP/29486/2024,	WP/29501/2024,
WP/29503/2024,	WP/29538/2024,	WP/29569/2024,	WP/29615/2024,
WP/29620/2024,	WP/29670/2024,	WP/29683/2024,	WP/29687/2024,
WP/29773/2024,	WP/29789/2024,	WP/29851/2024,	WP/29866/2024,
WP/29915/2024,	WP/30067/2024,	WP/30073/2024,	WP/30075/2024,
WP/30076/2024,	WP/30078/2024,	WP/30079/2024,	WP/30096/2024,
WP/30145/2024,	WP/30151/2024,	WP/30188/2024,	WP/30195/2024,
WP/30326/2024,	WP/30472/2024,	WP/30496/2024,	WP/30499/2024,
WP/30506/2024,	WP/30599/2024,	WP/30629/2024,	WP/30636/2024,
WP/30654/2024,	WP/30658/2024,	WP/30722/2024,	WP/30724/2024,
WP/30797/2024,	WP/30831/2024,	WP/30832/2024,	WP/30863/2024,
WP/30864/2024,	WP/30908/2024,	WP/30923/2024,	WP/30930/2024,
WP/30959/2024,	WP/31019/2024,	WP/31085/2024,	WP/31141/2024,
WP/31262/2024,	WP/31266/2024,	WP/31293/2024,	WP/23835/2024

Appearance:

Shri Taman K. Khadka and Shri Vijay Kumar Narwariya, Shri Ashish Vishwakarma, Shri Nikesh Vishwakarma, Shri Kaustubh Singh, Shri Vidya Prasad, Shri Sudeep Singh Saini, Shri Ajay Kumar Dwivedi,



Shri Ram Babu Dubey, Shri Awadhesh Kumar Singh, Shri Ajeet Kumar Singh, Shri Balram Koshta, Shri Mahendra Pateriya, Shri Rajesh Prasad Dubey, Shri Shakti Kumar Soni, Shri Sanjeev Kumar Dwivedi, Shri Rahul Mishra, Shri Pramod Singh Tomar, Shri Ram Naresh Vishwakarma, Shri Dharendra Kumar Khare, Shri Rohit Sohgaura, Shri Akash Choudhury, Shri Shyam Yadav, Shri Raja Bhaiya Tiwari, Shri Awadhesh Kumar Gupta, Shri Aditya Veer Singh, Shri Shailesh Tiwari, Shri Deep Kumar Patel, Shri Deepak Kumar Singh, Shri Subodh Tamrakar, Shri Manoj Kumar Mishra, Shri Manoj Tiwari, Shri Vishnu Deo Singh Chauhan, Shri Bal Krishna Mishra, Shri Ashok Kumar Gupta, Shri Rajesh Kumar Sharma, Shri Mukesh Kumar Tare, Shri Lalji Kushwaha, Shri Devraj Vishwakarma, Shri Sachin Pandey, Shri Rohit Mishra, Shri Prateek Jain, Shri Brijesh Kumar Choubey, Shri Neeraj Jain, Shri Aniruddha Prasad Pandey, Shri Vivek Agrawal, Shri Kailash Dev Singh, Shri Rajneesh Kumar Verma, Shri Devendra Kumar Tripathi, Shri Manoj Kumar Rajak, Shri Pradeep Kumar Sharma, Shri Sandeep Koshta and Shri Jitendra Kumar Sharma learned counsel for petitioners.

Smt. Janhavi Pandit, Additional Advocate General with Shri S.S. Chauhan, Government Advocate for respondents/State.

Shri Shobhitaditya, Advocate for respondent/High Court in WP No.27339/2024.

ORDER

Per: Suresh Kumar Kait, Chief Justice

In all these writ petitions, a common question of fact and law is involved and therefore, they are heard analogously and disposed of by this common order.



2. A common grievance of the petitioners in this batch of writ petitions is with regard to grant of annual increment which became due on completion of one year's service before attaining the age of superannuation. In some of the cases, the petitioners or the employees whose widows/legal heirs have approached this Court, have retired from service on 30th June and while in others, they have retired on 31st December of the year of their superannuation. It is their case that they have not been extended the benefit of increment which otherwise became due to them on 1st July of the same year or 1st January of the next year, as the case may be. Hence, these petitions have been filed.

3. Learned counsel for the petitioners have placed reliance upon the judgment of the Supreme Court in the case of ***Director (ADMN) and HR KPTCL v. C.P. Mundinamani***, 2023 SCC OnLine SC 401, wherein it is held that the entitlement to receive annual increment crystallises when the Government servant completes a requisite length of service with good conduct and becomes payable on the succeeding day. The Supreme Court further held that annual increment earned on the last day of service for rendering good service preceding one year from the date of retirement with good behaviour and efficiency was liable to be paid to the employees.

4. Circular dated 15.03.2024 issued by the Finance Department of the State of Madhya Pradesh has also been referred to, wherein all departments have been directed to grant annual increment to all the employees who have retired on 30th June / 31st December with regard to annual increment that became payable on 1st July or 1st January, as the case may be. Hence, it is prayed that the respondents may be directed to extend the pensionary benefits to the petitioners after adding annual



increment from the due date along with arrears and interest thereon within a stipulated time.

5. Learned counsel for the State submits that the issue involved in the present petitions is covered by the said Circular and the same is being implemented and the cases are being scrutinized and processed accordingly.

6. Be that as it may, since petitioners/employees superannuated from service on 30th June or 31st December as the case may be, they are entitled to get the annual increment on the succeeding day of their retirement i.e. on 1st of July or 1st of January, as the case may be.

7. That this Court following the judgment of the Supreme Court in the case of ***Rushibhai Jagdishchandra Pathak Vs. Bhavnagar Municipal Corporation***, 2022 SCC Online SC 641 had noticed that as there was delay in approaching the Court, the benefit of arrears was restricted to a period of three years immediately preceding the filing of the petition. However, the Supreme Court in respect of ***C.P. Muddinamani*** (*supra*) has clarified by order dated 06.09.2024 in Miscellaneous Application (Diary) No.2400/2024 in Special Leave Petition (C) No.4722/2021 titled ***Union of India & Another Vs. M. Siddaraj*** as under:

“(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 filed any 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.”

8. In this view of the matter, in cases where there is a delay by the petitioners in approaching the Court, the benefit of arrears shall be restricted and shall be payable only w.e.f. 01.05.2023 along with interest @7% per annum as directed by the Supreme Court in the case of ***M. Siddaraj*** (*supra*).

9. Accordingly, the respondents are directed to grant the annual increment to the petitioners which became due to them on 1st of July of the year of their superannuation or 1st of January of the succeeding year, as the case may be, with all consequential benefits. Further, it is directed that the amount accrued in favour of the petitioners on account of annual increment be paid to them within a period of six weeks in accordance with the order of the Supreme Court dated 06.09.2024 passed in the case of ***M. Siddaraj*** (*supra*).

10. In view of the foregoing, all these writ petitions are disposed of in the above terms.

(SURESH KUMAR KAIT)
CHIEF JUSTICE

(VIVEK JAIN)
JUDGE