

(2013) 12 MP CK 0034

In the Madhya Pradesh High Court

Case No : Writ Petition No. 20870 of 2013 (S)

Churaman Dahiya

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 16-12-2013

Acts Referred:

Citation : (2013) 12 MP CK 0034

Hon'ble Judges : R.S. Jha, J

Bench : Single Bench

Final Decision : Disposed Off

Judgement

R.S. Jha, J.—Heard Shri Anirudh Pandey, learned counsel for the petitioner, on the question of admission. The petitioner, who is a retired Assistant Teacher, has filed this petition claiming benefit of the second Kramonnati as per the circulars of the State Government dated 17.3.1999 and 19.4.1999. The learned counsel for the petitioner submits that the issue raised by the petitioner stands concluded by the decision of this Court in the case of Smt. Prerna vs. State of M.P. and Others, W.P. No. 6773/2006, decided on 26.4.2007.

17. Consequently these petitions are allowed. The petitioners are entitled to derive the benefit of second Kramonnati according to the terms and conditions mentioned in the circular dated 21/03/1983, 19/04/1999, 02/11/2001 and 03/09/2005. Accordingly, these petitions are disposed of with the following directions:

(i) Clause-3 of policy dated 03/09/2005 fixing the cut of date 01/08/2003 to grant the benefit of second Kramonnati to the teachers is arbitrary, discriminatory, hence quashed.

(ii) Teachers of Education Department or Tribal Welfare Department are held entitled to get the benefit of Kramonnati under the policy dated 21/03/1983, 19/04/1999 and 02/11/2001, in accordance with the terms and conditions as specified therein.

(iii) In view of the said directions, if the orders of recovery passed by the Government against petitioners are quashed, and if any amount is recovered from them for said reasons be refunded back to them within three months, with interest @ 6% per annum, on failure to comply the said directions within the aforesaid time, the interest @ 9% per annum will be leviable.

(iv) In some of the cases, the benefit of second Kramonnati has not been allowed to the petitioners, however on due consideration of their cases, the respondents are directed to do the needful in accordance with the policy dated 21/03/1983, 19/04/1999, 02/11/2001 and 03/09/2005 and settled their claim including post retiral and pensionary benefits within the period of 6 months from today and the arrears thereof be released along with permissible amount of interest under the law.

2. On a perusal of the petition it is apparent that the petitioner has directly approached this Court without filing any representation before the authority raising his claim and, therefore, the respondent authorities are yet to apply their mind to the claim of the petitioner in accordance with the policy of the State dated 17.3.1999 and 19.4.1999 or the decision in the case of Smt. Prerna (supra).

3. In view of the aforesaid, the petition filed by the petitioner is disposed of with liberty to the petitioner to approach the authority concerned by filing a fresh representation and in case the petitioner does so within two weeks bringing to their notice the entire facts as well as the order passed by this Court in the case of Smt. Prerna (supra) alongwith a copy of the order passed today and a copy of the petition, the concerned authority shall consider and decide the same expeditiously in accordance with law preferably within a period of three months thereafter.

4. It is made clear that in case the authority finds that the petitioner is not entitled to the same, he shall record such reasons and communicate it to the petitioner.

5. With the aforesaid direction, the petition filed by the petitioner stands disposed of. C.C. as per rules.