

(2020) 08 MP CK 0132

In the Madhya Pradesh High Court

Case No : Writ Petition No. 11286 Of 2020

Dr. Kailash Pawar And Others

APPELLANT

Vs

State Of MP And Others

RESPONDENT

Date of Decision : 21-08-2020

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2020) 08 MP CK 0132

Hon'ble Judges : G. S. Ahluwalia, J

Bench : Single Bench

Advocate : S. S. Kushwah, M P S Raghuvanshi

Final Decision : Disposed Of

Judgement

This petition under Article 226 of the Constitution of India has been filed on the ground that the petitioners No. 1 and 2 had retired on 30.06.2015 and petitioners No. 3 and 4 had retired on 30.06.2016 whereas the increment was due to be paid on 01.07.2015 for petitioners No. 1 and 2 and on 01.07.2016 for petitioners No. 3 and 4 and thus in the light of the judgment passed by the Madras High Court in the case of P. Ayyamperumal vs. The Registrar, Central Administrative Tribunal & Ors. passed in W.P.No. 15732/2017 on 15.9.2017, the order passed by the Supreme Court in SLP (Civil) Diary No.(s) 22283/2018 as well as the order dated 03.12.2019 passed by Co-ordinate Bench of this Court in the case of Rajendra Prasad Tiwari vs. State of M.P. and others Passed in W.P. No.18030/2019 (Principal Seat), the petitioners are also entitled for the annual increment which fell due in the month of July.

Considering the submissions made by the counsel for the petitioner, it is directed that in case, if the petitioners file a fresh application seeking payment of the increment which fell due in the month of July, then it shall be decided by the authorities after considering that whether as per the Service Rules, the order passed by the Madras High Court, which was affirmed by Supreme Court would apply mutatis mutandis to the employees of the State Government or not. If it is

found that the petitioners are also entitled for the payment of annual increment which fell due in the month of July, then the payment shall be released otherwise their representation shall be decided by passing a speaking order. Since, the petitioners have approached this Court belatedly, therefore, they shall not be entitled for the arrears for the period beyond 3 years and shall also not be entitled for interest.

With aforesaid observations and directions, the petition stands disposed of.