
(2012) 01 MP CK 0102

In the Madhya Pradesh High Court

Case No : Writ Petition No. 21817 of 2011

Govind OD. Garg

APPELLANT

Vs

The State Of Madhya Pradesh

RESPONDENT

Date of Decision : 02-01-2012

Acts Referred:

Citation : (2012) 01 MP CK 0102

Hon'ble Judges : Rajendra Menon, J

Bench : Single Bench

Judgement

Rajendra Menon, Judge

1. Petitioner was working as a Class III Employee in the Respondent's department, he retired from service on attaining the age of superannuation on 30.11.2008. However, treating the petitioner to have retired as a Class IV Employee, certain action has been taken for settling the claim of the petitioner. Inter alia contending that the petitioner has retired as a Class III Employee and the benefits should be granted treating the petitioner to have retired as a Class III Employee, petitioner approached this Court in W.P.No.1247/2009(s) and the said writ petition was disposed of by this Court on 12.10.2010.

2. In the said writ petition, from the return filed by the State, it was found that the respondents have admitted their mistake and committed error in treating the petitioner to have retired as a Class IV Employee whereas, he was a Class III Employee. Accordingly, it was directed to pay interest @ 10% per annum on delayed payment. According to the petitioner, in pursuance to the order passed on 12.10.2010, claim of the petitioner has been settled treating him to have been retired from service as a Class III Employee. However, now even though 6th Pay Commission's Recommendations have been implemented in May, 2011 but arrears of pension on grant of 6th Pay Commission's Recommendations to the petitioner from the period i.e. from the date of retirement from 30.11.2008 till April, 2011 have not been granted. It is only from May, 2011 that the 6th Pay Commission's Recommendations have been implemented. Claiming the benefit

of 6th Pay Commission's Recommendation from the date of retirement i.e. 30.11.2008 till April, 2011, petitioner has filed this writ petition.

3. From the facts that have come on record, it is clear that the petitioner has retired from a Class III post and the benefit is extended to the petitioner. However, it is not known as to why benefit of 6th Pay Commission's Recommendation from the date of retirement till April,2011 is denied to the petitioner.

4. Keeping in view the aforesaid, it is directed that the payment of arrears of salary/ pension as per recommendation of the 6th Pay Commission from the period i.e. from the date of retirement till April,2011 be made to the petitioner, if not already done and settle the claim in accordance with law within three months from the date of receipt of certified copy of this order.

5. With the aforesaid, the petition is allowed and disposed of. Certified Copy as per rules.