
(1999) 02 MP CK 0023

In the Madhya Pradesh High Court

Case No : Writ Petition No. 1736 of 1996

K.L. Khandelwal and Another

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 25-02-1999

Acts Referred:

Madhya Pradesh Uchcha Shiksha Anudan Ayog (Nirsan) Adhiniyam, 1994 — Section 3(2)

Citation : (1999) 2 JLJ 153 : (1999) 1 MPLJ 618

Hon'ble Judges : Shravan Shanker Jha, J

Bench : Single Bench

Advocate : R.D. Jain and H.D. Gupta, for the Appellant; K.B. Chaturvedi and J.P. Gupta, for the Respondent

Final Decision : Allowed

Judgement

S.S. Jha, J.

Petitioner has filed this petition claiming benefit of gratuity and payment of 10% interim relief as announced by the State Government to its pensioners.

In short, the petitioner is claiming all retirement benefits at par with the State Government employees.

Petitioner No. 1 is retired as Deputy Registrar of Jiwaji University, Gwalior. Petitioner No. 2 is a Society of the pensioners of the University employees. The University employees have raised a dispute in respect of payment of pension and other retirement benefits at par with the State Government employees. The State Government considered these facts and passed an order on 6-12-1989 that the University employees shall get benefits at par with the State Government employees in respect of pension, gratuity, family pension and commutation of pension. In this circular, it was written that no assistance shall be given by the State Government and this facility shall be given by the contributory provident fund of the University. Thereafter, the pension and gratuity was being paid by the

M.P. Uchcha Shiksha Ayog.

Counsel for the respondents submitted that the State Government has agreed that University employees are entitled to some facilities in respect of pension and other retirement benefits at par with the State Government employees, but the Government has not accepted the liability. However, for the purpose of payment of pension and gratuity, M.P. Uchcha Shiksha Anudan Ayog Adhiniyam, 1973 was constituted and this Ayog was paying pension and other benefits to the University employees from the fund created by Act No. 6 of 1994. The State Government has passed Madhya Pradesh Uchcha Shiksha Anudan Ayog (Nirsan) Adhiniyam, 1994. Under Sub-section (2) of Section 3 of the aforesaid Adhiniyam, all the assets and liabilities of the Ayog on the appointed day shall stand vested in the State Government and the State Government shall have all powers necessary to take possession, recover and deal with such assets and discharge such liabilities.

By virtue of the aforesaid Adhiniyam, the State Government is vested with the powers to discharge liabilities of the Ayog. The State Government is bound to discharge the liability of the Ayog. In view of the order dated 6-12-1989, Annexure R/1, the petitioners are entitled for pension, gratuity, family pension and commutation at par with the employees of the State Government. Thus the notification of the State Government for its pensioners and employees is applicable to the employees of the University.

On facts mentioned above, the petition succeeds and is allowed. It is directed that the petitioners are entitled for all the benefits granted by the State Government in respect of gratuity, D.A., interim relief to the pensioners and the respondents are directed to pay all the dues to its pensioners. The petitioners shall be entitled to all the benefits in pension, D.A. under the notification by the State Government for its pensioners. Any recovery made from the petitioner No. 1 be also refunded. However, there shall be no order as to costs.