
(2013) 05 MP CK 0106

In the Madhya Pradesh High Court

Case No : Writ Petition No. 561 of 2009

Nanhelal Mahalgamaiya

APPELLANT

Vs

State of MP and Others

RESPONDENT

Date of Decision : 14-05-2013

Acts Referred:

Citation : (2013) 05 MP CK 0106

Hon'ble Judges : Rajendra Menon, J

Bench : Single Bench

Advocate : S.K. Garg, for the Appellant; Rajesh Tiwari, Government Advocate, for the Respondent

Final Decision : Allowed

Judgement

Rajendra Menon, J.—Petitioner is a retired employee. He has retired on attaining the age of superannuation on 31.8.2007. Grievance of the petitioner is that with effect from the year 2000 till his retirement no increment was paid to him, as his service book was missing and, therefore, while calculating his pensionary benefits error has been committed. Claiming grant of increment from 2000, appropriate pay fixation and thereafter revision of pension and other benefits, petitioner has filed this writ petition.

2. Even though respondents have stated in the return that claim of the petitioner has been decided in accordance to the last pay drawn by him at the time of retirement, the fact remains that the averments of the petitioner and the indications in this regard made with regard to non-availability of service book as is evident from Annexure P/10 dated 22.6.2007, are not denied by the respondents.

3. Annexure P/10 dated 22.6.2007 does show that the Project Officer has indicated that the service book of the petitioner is not available, petitioner has given a duplicate service book and, therefore, action be taken for fixation of his increment for the years 2000 to 2005.

4. Keeping in view the aforesaid, respondents are directed to prepare the service book of the petitioner, consider the question of granting him increments from the year 2000 onwards, and thereafter conduct revision of pay, revision of pension and all other retrial benefits and entitlement of the petitioner, decide his claim within a period of three months from the date of receipt of certified copy of this order.

5. After preparation of the service book, all the benefits accruing to the petitioner by virtue of revision of his pay due to grant of increment, arrears of salary and the pension as may be calculated, shall be paid to the petitioner alongwith interest at the rate of 7% per annum from the date of retirement till its payment.

6. With the aforesaid, the petition stands allowed and disposed of.

Certified copy as per rules.