
(2014) 02 MP CK 0079
In the Madhya Pradesh High Court
Case No : Writ Petition No. 177/14

Ravindra Kumar Jain

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 10-02-2014

Acts Referred:

Citation : (2014) 02 MP CK 0079

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

Bench : Single Bench

Advocate : Amit Kumar Bajpai, for the Appellant; A.R. Rao, Learned Panel Lawyer, for the Respondent

Final Decision : Disposed Off

Judgement

R.S. Jha, J.—Heard, on the question of admission. The petitioners have filed this petition claiming benefit of Kramonnati as per the circular of the State Government dated 19.4.1999, in view of the circular of the State Government dated 3.09.2005, as interpreted by this court in the decision rendered in the case of Smt. Prerna v. State of M.P. and Others, W.P. No. 6773/2006, decided on 26.4.2007, in the following terms:- 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.

It is observed that the petitioners have directly approached this Court without filing any application before the authorities bringing to their notice the circulars of the State Government and the order passed by this Court in the case of Smt. Prerna (supra).

2. In view of the aforesaid, the petition filed by the petitioners is disposed of with a direction to the effect that in case the petitioners file a fresh representation before the authorities claiming the aforesaid benefit alongwith a copy of the order passed today and a copy of the petition, the concerned authority shall examine the same keeping in mind the circulars issued by the State Government from time to time and the order passed by this Court in the case of Smt. Prerna (supra) expeditiously in accordance with law and in case the petitioners are found entitled, benefit of the same shall be extended to the petitioner.

3. However, it is made clear that this court has not expressed any opinion on the merits of the case and therefore the authority would be at liberty to examine the matter keeping all facts and facets into consideration and thereafter either accept or reject the representation by passing a reasoned order.

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