
(2012) 09 MP CK 0174

In the Madhya Pradesh High Court

Case No : Writ Petition No. 14973 of 2012

Shambhu Prasad Sharma

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 10-09-2012

Acts Referred:

Citation : (2012) 09 MP CK 0174

Hon'ble Judges : K.K. Trivedi, J

Bench : Single Bench

Advocate : Chandrahas Dubey, for the Appellant; Vivek Sharma, Learned Panel Lawyer for the State, for the Respondent

Judgement

K.K. Trivedi, Judge

1. Heard on the question of admission. Petitioner is challenging an action of the respondents in denying the benefit of second Kramonnati and proposing to make recovery of benefit already granted, the question involved in this petition already decided by a Bench of this Court in the case of Smt. Purna W/o Shri Pramod Koranne Vs. State of M.P. and others in W.P. No. 6773/2006, decided on 26.04.2007, and subsequently followed by this Court in series of cases, one such order being W.P. No. 5756/2008 (s), Shri R.C. Chaurasiya and others Vs. State of M.P. and others, decided on 26.05.2008. In the case of Smt. Purna (supra) the directions given is as under.

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 19/4/1999, 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 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 levyable.

(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.

Keeping in view the aforesaid, the respondents shall examine the case of petitioner in the light of the aforesaid directions within a period of two months from the date of receipt of certified copy of this order and if it is found that petitioner is also entitled to similar benefit in the light of law laid down in the case of Smt. Prerna (supra), an appropriate speaking order be passed. Amount, if any, recovered from the petitioner in pursuance to the impugned action, shall also be refunded in case it is found that petitioner is entitled to similar benefit. Needless to emphasize that order as directed hereinabove shall be passed and communicated to the petitioner within two months.

2. Accordingly, orders impugned in this petition are quashed and in the case of petitioner, who has retired from services necessary action be taken for revision of his pension and other post retiral benefits. If for any reason whatsoever, the State Govt. finds that the benefit cannot be extended, it is for the authorities concerned to record the reasons for the same and pass a speaking order.

Petition stands disposed of with the aforesaid.

Certified copy as per rules.