**(2012) 08 MP CK 0283**

**In the Madhya Pradesh High Court**

**Case No :** Writ Petition No. 13650 of 2010

Sohanlal APPELLANT

Vs

State of M.P. and Others RESPONDENT

**Date of Decision :** 01-08-2012

**Acts Referred:**

**Citation :** (2012) 08 MP CK 0283

**Hon'ble Judges :** S.C. Sharma, J

**Bench :** Single Bench

**Advocate :** V.K. Patwari, for the Appellant; Vinita Phaye, learned G.A. for the State and Shri Pratap Mehta, learned counsel for the University, for the Respondent

**Final Decision :** Allowed

## Judgement

Hon''ble Mr Justice S.C. Sharma

1. Regard being had to the similitude in the controversy involved in the matter, the above cases were heard analogously together and a common order is being passed. The facts of W.P. No. 13650/10 are being narrated as under :

The petitioner before this Court has filed the present petition being aggrieved by non-payment of interest in the matter of payment of UGC pay scale, which was granted to him vide Annexure-P/1. The petitioner''s contention is that the UGC pay scale was implemented w.e.f. 1.1.96 and the arrears was paid to him on 13.7.2006. Learned counsel for the petitioner straightway has drawn the attention of this court towards judgment delivered by the Division Bench in Writ Appeal No. 7173/2007 dated 25.7.2007. Paragraphs 2, 11, 12 and 13 thereof reads as under :

Shorn of unnecessary details the requisite facts which are essential to be narrated are that the State of Madhya Pradesh in the Department of Higher Education, on the bedrock of 5th Pay Commission by which the revision of pay _was introduced with effect from 1.1.1996, brought out a scheme on

 

28.10.1999. The said scheme was the resultant of the scheme floated by the Union of India in the Ministry of Human Resources Department on 23.12.1999, Annexure-A/4. In the scheme introduced by the Union of India, it was postulated that the Central Government shall assist 80% of total additional expenditure in the revision of scale of pay of University and College teachers during the period from 1.1.1996 to 31.3.2000 and the State Government shall bear 20% of the additional expenditure involved in the scheme. The scheme that came to be in vogue on 28.10.1999 postulating that the amount payable from 1.1.96 to 30.9.99 shall be kept in a fund for a period of five years with the State Government and the said fund shall carry interest that is applicable to the provident fund. The said amount would be paid to the incumbents after expiry of five years. It was also stipulated that the amount of arrears would be disbursed in five years installments after completion of the five years of deposit in the fund.

11. Looking from one angle, the State Government, as submitted by Mr. Deepak Awasthy, learned Government Advocate for the appellants, could not immediately contribute 20% and device was worked out as per decision dated 28.10.1999. The amount would have carried interest, if it would have kept it for five years and thereafter the amount would have been released in favour of the incumbents within five yearly installments. There is no stipulation that the installments would have carried interest. As is perceptible from the language employed in the scheme, there would have been a stagnation as far as the accrual of interest is concerned. The State Government along with its 20% and the amount received by the U.G.C. Has paid in entirely towards the final amount sometime in March April, 2003. If the decision dated 28.10.1999 would have been followed in letter and spirit, the amount would have gone to the incumbents along with interest by 2009. In view of the aforesaid, we are of the considered opinion that to strike the balance and to work out the equity, 20% that was to be paid by the State Government shall not carry any interest.

12. Presently to the amount that was received by the State Government from the UGC and the accrual of benefit thereon, Rs.70,00,00,000/-(Rs. Seventy Crores) were received on 23.12.1998 and Rs.15.77 crores were received on 31.3.2002. The said amount has been disbursed in the month of March April, 2003. Though certain amendments have taken place by the decision dated 31.10.2002, in our considered opinion that would not totally obliterate the rights of the respondents beneficiaries. We say so as the incumbents had accepted the decision dated 28.10.1999, as there was a postulate that they would be getting interest and that would be paid in a phased manner. The State Government after receiving the amount from the UGC, we are disposed to thing, it could not blown hot and cold at the same time. The equitable proposition would be that the respondents beneficiaries should get interest. The learned Single Judge has allowed 12% interest by dividing the amount received by the State Government that is Rs.70,00,00,000/-(Rs. Seventy Crores) and Rs.15.77 crores on tow different dates from the University Grant Commission. We are disposed to modify the same by holding that the interest at the rate of 9% shall be paid on prorata basis

 

on Rs.70,00,00,000/-to every beneficiary commencing 23.12.1999 when the amount of Rs.70,00,00,000/-were received by the State Government and 9% on Rs.15.77 crores on prorata basis from 31.3.2002. The interest shall be payable till the date of actual payment of the final arrears. The amount as directed herein above be computed and paid to the concerning respondents beneficiaries by 10th October, 2007.

2. The aforesaid paragraphs make it very clear that the controversy involved in the present case has already been concluded by the aforesaid judgment and the interest has to be paid till the actual payment of the final arrears. In view of the aforesaid fact as the controversy has already been concluded, the aforesaid judgment delivered by the Division Bench shall be applicable mutatis-mutandis in the present also. The respondents are directed to complete the exercise within a period of 4 months from the date of receipt of certified copy of the order. The writ petition stands allowed.

3. The other identical petitions are also allowed. No order as to costs.

 