
(2011) 10 MP CK 0011
In the Madhya Pradesh High Court
Case No : RP No. 235 of 2009

V.V. Ashthana and Others

APPELLANT

Vs

I.N. Dani and Others

RESPONDENT

Date of Decision : 14-10-2011

Acts Referred:

Citation : (2011) 10 MP CK 0011

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

Bench : Single Bench

Judgement

Krishn Kumar Lahoti, Judge

1. This order shall decide all the aforesaid matters as the controversy involved in these cases are identical. For the convenience, facts are taken from Review Petition No. 235/2009 V.V.Ashthana and others Vs. I.N. Dani and others.

2. The sole contention of the applicants before this Court is that though the respondents have paid the applicants the arrears of salary but without D.A. and other emoluments for which they are entitled as per law. It is further submitted that in Writ Appeal No. 597/2011 State of Madhya Pradesh and Anr. vs. M.P. Madhyamik Shikshak Sangh, a Division Bench of this Court have allowed benefit of 5th Pay Commission to the extent of 50%, the same benefit may be given to the applicants herein. It is not in dispute that as per the order of the Apex Court, the benefit of the order passed by this Court in this matter on 16.6.2008 has to be extended only to the applicants herein

3. Shri Samdarshi Tiwari, the learned Counsel for the respondents, submitted that the State Govt. has issued an order on 22nd July, 2011 in compliance of the directions issued by the Division Bench of this Court in W.A. No. 597/2011 dated 22.6.2011 and the benefit of 5th Pay Commission to the extent of 50% has been extended to other teachers and the benefit of this order can be extended to the applicants herein.

4. The learned counsel for the applicants submitted that the aforesaid order is applicable with effect from 10.12.2010 of writ appeal but in the case of the applicants herein their interest shall be jeopardized by applying the cut off date. The benefit part of the order dated 22.7.2011 issued by the State Govt. may be extended to the applicants herein without any cut off date.

5. The aforesaid position is not disputed by Shri Samdarshi Tiwari.

6. In view of the aforesaid, all the matters are disposed of finally.

(i) All the applicants herein shall be extended benefit of order dated 22.7.2011 issued by the State Govt. Rider of cut off date i.e. 10.12.2010 shall not be applicable in the case of the applicants as they are entitled for benefit as per the orders passed by the Apex Court 18.12.2008 and 5.11.2009 in SLP No. 19188/2008.

(ii) With the aforesaid modification, the order dated 22.7.2011 passed by the State Govt bearing F 37-5/2011/20-3 shall be made applicable in the case of applicants.

(iii) The respondents shall calculate and release the arrears to all the applicants herein within 60 days as prayed by Shri Tiwari.

7. No order as to costs.