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WP-23042-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PRANAY VERMA

ON THE 20th OF NOVEMBER, 2024WRIT PETITION No. 23042 of 2024*SHRI MADANLAL**Versus**THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL
SECRETARY AND OTHERS*

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Appearance:

Shri Arun Singh Chouhan - Advocate for petitioner.

Ms. Urmila Malviya - Panel Lawyer for the respondent/State.

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ORDER

1. The petitioner has approached this court by way of this petition claiming the benefit of annual increment w.e.f. 01.01.2013 along with arrears and interest. The petitioner retired from service on 31.12.2012 and all the terminal benefits were given to him by the respondents. Now he is claiming the annual increment w.e.f. 1st of January of that year, in light of the judgment passed by the Supreme Court of India in the case of *The Director (Admn. and HR) KPTCL & Ors. Vs. C.P.Mundinamani & Ors.* reported in *2023 SCC OnLine SC 401*, whereby the benefit of annual increment fell due on 1st January of every year has been directed to be given to all the Government employees who retired on 31st December of the relevant year.
2. Learned counsel for the petitioner submits that the present petitioner is also entitled to get the said benefit of the annual increment which became payable to him on 1st January with arrears and interest.



3. The learned State counsel appearing for the respondents/State is not disputing the entitlement of the petitioner for the grant of annual increment 1st January, but objects to the payment of arrears and interest from 2013 as there is huge delay in filing the Writ Petition before this court. Learned State counsel has placed reliance on the judgment of the Apex Court in the case of *Rushibhai Jagdishbhai Pathak Vs. Bhavnagar Municipal Corporation [2022 SCC OnLine SC 641]* in which the arrears and interest for three years before the date of filing of the Writ Petition has been granted to the writ petitioner due to approaching the High Court with the delay.

4. Considering the aforesaid submissions of the rival parties and taking note of the judgment passed by the Supreme Court in the case of *C.P. Muddinamani* and *Rushibhai Jagdishbhai Pathak* (supra), this petition is allowed, by directing the respondents to grant the benefit of annual increment which was to be added with effect from 01.01.2012 and recalculate the benefit of retiral dues and pension and issue fresh PPO in favour of the petitioner within a period of three months from the date of submitting copy of this order. The petitioner shall be entitled to arrears with interest only for three years before the date of filing of the writ petition.

5. With the aforesaid, the petition stands **allowed** to the extent indicated above.

(PRANAY VERMA)
JUDGE