IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJAY DWIVEDI

ON THE 28th OF MARCH, 2022

WRIT PETITION No. 11597 of 2020

Between:-

1. **NEELKANT PANDRE S/O SIRKUJI PANDRE , AGED ABOUT 63 YEARS, OCCUPATION: RETIRED PRINCIPAL SAWARGAON (PANDURAN) DISTT. CHHINDWARA (M.P.) (MADHYA PRADESH)**

2. **OM PRAKASH TIWARI S/O SHRI NANDANLAL TIWARI , AGED ABOUT 65 YEARS, OCCUPATION: RETD HEAD MASTER GOVT BOYS MIDDLE SCHOOL PRATHVIPUR DIST TIKAMGARH VILLAGE AND POST JYORMORA TAH PRATHVIPUR DIST TIKAMGARH (MADHYA PRADESH)**

3. **DASHRATH PRASAD LITORIYA S/O RAMNATH LITORIYA , AGED ABOUT 64 YEARS, OCCUPATION: RETD HEAD MASTER GOVT GIRLS MIDDLE SCHOOL TIKAMGARH DIST TIKAMGARH SUBHASHPURAM CIVIL LINE DIST TIKAMGARH (MADHYA PRADESH)**

4. **RAMBHAGAT NAMDEO S/O RAMBHAROSA NAMDEO , AGED ABOUT 63 YEARS, OCCUPATION: RETD TEACHER GOVT MIDDLE SCHOOL DIYADOL SANKUL GOVT HIGH SCHOOL MAJHOLI DIST SIDHI VILLAGE DIYADOL TAH MAJHOLI DIST SIDHI (MADHYA PRADESH)**

5. **NARAYAN PRASAD PAWAR S/O LATE SHIR BABOO LAL PAWAR , AGED ABOUT 65 YEARS, OCCUPATION: RETD ASSISTANT TEACHER GOVT PRIMARY SCHOOL MAGARMUHA SANKUL GOVT HIGH SCHOOL SIREGAON BLOCK CHICHALI DIST NARSINGHPUR GOVT PRIMARY SCHOOL MAGARMUHA SANKUL GOVT HIGH SCHOOL SIREGAON BLOCK CHICHALI DIST NARSINGHPUR (MADHYA PRADESH)**

.....PETITIONER

(Represented by Shri S.K. Soni, Advocate)

AND

1. **THE STATE OF MADHYA PRADESH THR ITS SECRETARY VALLABH BHAWAN BHOPAL (M.P.) (MADHYA PRADESH)**

2. **THE DIRECTOR PUBLIC INSTRUCTION CHETAK BRIDGE GOUTAM NAGAR BHOPAL PUBLIC INSTRUCTION CHETAK BRIDGE GOUTAM NAGAR BHOPAL (MADHYA PRADESH)**

3. **THE JOINT DIRECTOR TREASURY ACCOUNTS**

AND PENSION JABALPUR DIVISION TREASURY ACCOUNTS AND PENSION JABALPUR DIVISION JABALPUR (MADHYA PRADESH)

4. **DISTRICT PENSION OFFICER CHHINDWARA THR DISTRICT PENSION OFFICER CHHINDWARA DISTRICT PENSION OFFICER CHHINDWARA (MADHYA PRADESH)**

5. **DISTRICT PENSION OFFICER TIKAMGARH THR DISTRICT PENSION OFFICER TIKAMGARH DISTRICT PENSION OFFICER TIKAMGARH (MADHYA PRADESH)**

6. **DISTRICT PENSION OFFICER SIDHI THR DISTRICT PENSION OFFICER SIDHI DISTRICT PENSION OFFICER SIDHI (MADHYA PRADESH)**

7. **DISTRICT PENSION OFFICER NARSINGHPUR THR DISTRICT PENSION OFFICER NARSINGHPUR DISTRICT PENSION OFFICER NARSINGHPUR (MADHYA PRADESH)**

8. **THE DISTRICT EDUCATION OFFICER CHHINDWARA THR DISTRICT EDUCATION OFFICER CHHINDWARA DISTRICT EDUCATION OFFICER CHHINDWARA (MADHYA PRADESH)**

9. **THE DISTRICT EDUCATION OFFICER TIKAMGARH THR DISTRICT EDUCATION OFFICER TIKAMGARH DISTRICT EDUCATION OFFICER TIKAMGARH (MADHYA PRADESH)**

10. **THE DISTRICT EDUCATION OFFICER SIDHI THR DISTRICT EDUCATION OFFICER SIDHI DISTRICT EDUCATION OFFICER SIDHI (MADHYA PRADESH)**

11. **THE DISTRICT EDUCATION OFFICER NARSINGHPUR THR DISTRICT EDUCATION OFFICER NARSINGHPUR DISTRICT EDUCATION OFFICER NARSINGHPUR (MADHYA PRADESH)**

.....RESPONDENTS

(Represented by Shri Manas Mani Verma, Government Advocate)

This petition coming on for admission this day, the court passed the following:

ORDER

The learned counsel for the petitioners submits that all the petitioners got retired on 30th June of respective year 2020, 2016, 2018, 2019, 2017 but they have not been granted the benefit of the annual increment which was to be added on 1st July of respective year 2020, 2016, 2018, 2019, 2017.

Counsel for the respondent-State submits that this issue is pending before the Larger Bench and also before the Supreme Court. Some of the identical

petitions got disposed of by this Court with the direction that if the issue is decided in favour of the petitioners the benefit of annual increment shall be granted to the petitioners and if the issue is decided against the petitioners, then the same would be followed.

In view of the above existing scenario, rather to keep the matter pending, I find it apposite to dispose of the same. Accordingly, this petition is disposed of directing the respondent-authority that if the issue pending before the Larger Bench and the Supreme Court is decided in favour of the petitioners and they are found entitled to get the benefit of the increment which was to be added with effect from 1st July of respective year 2020, 2016, 2018, 2019, 2017 the said benefit be granted to them and the petitioners would not be required to re-approach this Court.

With the aforesaid observation, this petition is disposed of.

(SANJAY DWIVEDI)
JUDGE

Sudesh

SUDESH KUMAR SHUKLA

Digitally signed by SUDESH KUMAR SHUKLA
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