IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA

ON THE 22nd OF AUGUST, 2023

WRIT PETITION No. 12201 of 2021

BETWEEN:-

SMT. USHA PANDEY W/O LATE RAM SUHAWAN PANDEY, AGED ABOUT 59 YEARS, OCCUPATION: SERVICE R/O GAYATRI MANDIR, NEAR CIRCUIT HOUSE CHOURAHA, GALI NO. 3, MUKHTYARGANJ, DISTT. SATNA (MADHYA PRADESH)

.....PETITIONER

(BY SHRI SANJAY ROY - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH THE PRINCIPAL SECRETARY SCHOOL EDUCATION DEPARTMENT VALLABH BHAWAN MANTRALAYA BHOPAL (MADHYA PRADESH)**

2. **DISTRICT EDUCATION OFFICER DISTRICT SATNA (MADHYA PRADESH)**

3. **PRINCIPAL JANTA HR. SECO. SCHOOL SCHOOL DISTRICT SATNA (MADHYA PRADESH)**

4. **GOVERNING BODY THR. ITS SECRETARY JANTA HIGHER SECONDARY SCHOOL DISTRICT SATNA (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI G.P.SINGH - GOVERNMENT ADVOCATE FOR THE RESPONDENT NOS.1 AND 2/STATE & MS.ANSHIKA YADAV - ADVOCATE FOR THE RESPONDENT NOS.3 AND 4)

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

ORDER

This petition, under Article 226 of Constitution of India, has been filed seeking the following reliefs :-

"7.1 That, it is therefore, prayed that Hon'ble Court may kindly be pleased to issue a writ in the nature of Mandamus directing respondents the claiming benefit of fixation of pay in the light of the law laid down in the case of Sharique A.Ali (supra) to provide the petitioner, in the interest of justice.

7.2 That, the present case is also squarely covered and has also extended the similar benefit to the other petitioners also, if monetary are not paid within the specified period, then the interest @ 12% per annum also may be directed from the date of order of the respondent no.2 (DEO) till the date of payment.

7.3 Any other relief deems fit may also be granted including cost of litigation."

2. The respondent nos.3 and 4 have filed their return and submitted that in fact they had already demanded budget from the respondents but on account of non-grant of budget, they are not in a position to pay the legitimate dues of husband of the petitioner.

3. By order dated 07.06.2017 the District Education Officer, Satna had held that the husband of petitioner was entitled for Kramonnati w.e.f. 12.03.2001. However, it is the case of petitioner that this paper order has not culminated into reality and the amount has not been paid.

4. The respondent nos.1 and 2 had tried to shift their burden on to the shoulder of the respondent nos.3 and 4 by alleging that they are not responding and are not providing documents; whereas respondent nos.3 and 4 have claimed that they have already raised a demand for grant of aid but it is the respondent nos.1 and 2 who are not providing the same.

5. It is also submitted by Ms. Yadav that respondent nos.3 and 4 are ready to provide every document to respondent nos.1 and 2 and therefore, they should specify the documents and the same shall be provided.

6. Heard the learned counsel for the parties.

7. From order dated 07.06.2017 (Annexure P-3) it is clear that respondent nos. 1 and 2 are trying to shift the ball to the court of respondent nos.3 and 4 and vice versa.

8. Under these circumstances, the following directions are given in order to put the controversy to an end :-

1. The respondent nos. 3 and 4 shall personally supply a copy of Annexures R3/1 and R3/2 to the respondent no.2 on or before 28.08.2023.

2. The respondent no.2 shall also specify the details of the documents, if they are required from the respondents no.3 and 4.

3. If any specific document is required by respondent no.2, then the same shall be made available by the respondent nos.3 and 4 latest by 11.09.2023.

4. The financial benefits arising out of order dated 07.06.2017 shall be paid positively to the petitioner by the respondents latest by 20.10.2023 and the respondent nos.1 and 2 shall make it clear that necessary aid is granted to the respondent nos.3 and 4 for payment of the same to the petitioner or in the alternative, respondent nos.1 and 2 may directly pay to the petitioner.

5. In the light of the fact that the rights of husband of the petitioner were crystallized by order dated 07.06.2017 w.e.f. 12.03.2001, therefore, the delayed payment shall also carry the interest @ 6% per annum.

9. With aforesaid observation, the petition is finally **disposed of.**

10. It is made clear that if the actual payment is not made to the petitioner by 20.10.2023, then the petitioner shall be at liberty to move an application for restoration of this petition.

(G.S. AHLUWALIA)

JUDGE

TG/-

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THE HIGH COURT OF MADHYA PRADESH
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