

## HIGH COURT OF MADHYA PRADESH : JABALPUR

FULL BENCH - I (Time 11:00 AM)

Daily Cause List dated : 19-07-2018

BEFORE: HON'BLE THE CHIEF JUSTICE &amp; HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA &amp; HON'BLE SHRI JUSTICE SANJAY DWIVEDI

Court Room No.: 1

Note:- CASES FOR FINAL HEARING SHALL BE TAKEN UP BY ALL THE BENCHES IMMEDIATELY AFTER COMPLETION OF MOTION HEARING.

MOTION HEARING[ORDERS]

| SN  | Case No                                    | Petitioner / Respondent  | Petitioner/Respondent Advocate   |
|-----|--|--|--|
| 1   | <b>WA 00815/2017</b>                       | THE STATE OF MADHYA PRADESH<br>Versus<br>JAGDISH PRASAD DUBEY  | ADVOCATE GENERAL, GIRISH PRAKASH KEKRE[AG]<br><br>, M R VERMA[R-1], KAILASH CHANDRA GHILDIYAL[R-1], ANIRUDDHA PRASAD PANDEY[R-1], AMIT KUMAR CHATURVEDI[R-1] |
|     |  | SERVICE RELATING TO STATE GOVT.-17100 - Retirement Benefit Cum Pension-17139 - Recovery/Withholding of Pension Relief - TO SET ASIDE THE ORDER DTD. 17/08/16, PASSED IN W.P. 12950/14, ANNEX. WA/1.<br>{Fixed Date/SPC} FOR CONSIDERATION OF THE FOLLOWING QUESTIONS: 1. WHETHER THE RECOVERY CAN BE ORDERED TO BE AFFECTED FROM THE PENSIONARY BENEFITS OR FROM THE SALARY IN VIEW OF AN UNDERTAKING OR INDEMNITY BOND TAKEN BY THE EMPLOYER BEFORE THE GRANT OF BENEFIT OF PAY REFIXATION. 2. WHETHER THE RECOVERY ON ACCOUNT OF EXCESS PAYMENT TO AN EMPLOYEE CAN BE MADE IN EXERCISE OF POWER CONFERRED UNDER RULE 65 OF M.P CIVIL SERVICES PENSION RULES, 1976. 3. WHETHER THE UNDERTAKING SOUGHT AT THE TIME OF GRANT OF FINANCIAL BENEFITS ON ACCOUNT OF REFIXATION OF PAY IS A FORCED UNDERTAKING AND THUS NOT ENFORCEABLE IN LIGHT OF JUDGMENT OF SUPREME COURT IN (1986) 3 SCC 136 (CENTRAL INLAND WATER TRANSPORT CORPORATION LIMITED AND ANOTHER VS. BROJO NATH GANGULY AND ANOTHER) . 4. ANY OTHER QUESTION WHICH IS RAISED FOR DECISION BEFORE THE LARGER BENCH OR WHICH THE LARGER BENCH CONSIDERS ARISING OUT OF THE ISSUES CANVASSED] FOR STAY APPLICATION ON IA 13167/2017 |  |
| 1.1 | <b>Connected<br/>WA 01033/2017</b>         | THE STATE OF MADHYA PRADESH<br>Versus<br>CHHOTE LAL RAJAK  | ADVOCATE GENERAL<br><br>, SACHIN PANDEY[R-1]   |
|     |  | SERVICE RELATING TO STATE GOVT.-17100 - Retirement Benefit Cum Pension-17139 - Recovery/Withholding of Pension Relief - TO SET ASIDE THE ORDER DT. 24.06.2016<br>{Fixed Date/SPC} FOR CONSIDERATION OF THE FOLLOWING QUESTIONS: 1. WHETHER THE RECOVERY CAN BE ORDERED TO BE AFFECTED FROM THE PENSIONARY BENEFITS OR FROM THE SALARY IN VIEW OF AN UNDERTAKING OR INDEMNITY BOND TAKEN BY THE EMPLOYER BEFORE THE GRANT OF BENEFIT OF PAY REFIXATION. 2. WHETHER THE RECOVERY ON ACCOUNT OF EXCESS PAYMENT TO AN EMPLOYEE CAN BE MADE IN EXERCISE OF POWER CONFERRED UNDER RULE 65 OF M.P CIVIL SERVICES PENSION RULES, 1976. 3. WHETHER THE UNDERTAKING SOUGHT AT THE TIME OF GRANT OF FINANCIAL BENEFITS ON ACCOUNT OF REFIXATION OF PAY IS A FORCED UNDERTAKING AND THUS NOT ENFORCEABLE IN LIGHT OF JUDGMENT OF SUPREME COURT IN (1986) 3 SCC 136 (CENTRAL INLAND WATER TRANSPORT CORPORATION LIMITED AND ANOTHER VS. BROJO NATH GANGULY AND ANOTHER) . 4. ANY OTHER QUESTION WHICH IS RAISED FOR DECISION BEFORE THE LARGER BENCH OR WHICH THE LARGER BENCH CONSIDERS ARISING OUT OF THE ISSUES CANVASSED]   |  |
| 1.2 | <b>Connected<br/>WP 12293/2018<br/>(S)</b> | RAM SUFAL NUT<br>Versus<br>THE STATE OF MADHYA PRADESH   | AMIT KUMAR CHATURVEDI<br><br>ADVOCATE GENERAL  |
|     |  | SERVICE RELATING TO STATE GOVT.-17100 - Retirement Benefit Cum Pension-17139 - Recovery/Withholding of Pension Relief - QUASH THE OFFENDING PORTION OF PENSION PAYMENT ORDER DT.30/09/2017 (ANN.P-1) EFFECTING THE RECOVERY {Fixed Date/SPC}   |  |

TOTAL CASES : 3 (with connected matters)

PR (J) / R (J-I) / R(J-II)