

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

DAILY CAUSE LIST DATED : 07-12-2023 at 2:15 PM

BEFORE LARGER BENCH

HON'BLE CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VISHAL MISHRA

&

HON'BLE SHRI JUSTICE PRAMOD KUMAR AGRAWAL

Court Hall No.: 1

**NOTE:- ADVOCATES ARE REQUESTED TO PROVIDE STATUTES AND CITATIONS
RELATING TO THE CASE WELL IN ADVANCE.**

HEARING

SN	Case No	Petitioner / Respondent	Petitioner/Respondent Advocate
1	WA 00815/2017	THE STATE OF MADHYA PRADESH & Ors. Versus JAGDISH PRASAD DUBEY	P-1,2,3,4,5,6 = ADVOCATE GENERAL R-1 = M.R.VERMA R-1 = ANIRUDDHA PRASAD PANDEY R-1 = AMIT KUMAR CHATURVEDI R-1 = RAJESH KUMAR PANDEY

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 (CENTRALINLAND 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.IA No-13167/2017 STAY APPLICATION
KEPT BELOW CASES
WP 12950/2014**

1.1	Linked (13) WP 03809/2016 (S) Adjustment	DAYANAND SHARMA Versus THE STATE OF MADHYA PRADESH & Ors. 1.IA No-9542/2016 APPLICATION FOR VACATING INTERIM ORDER ADJUSTMENT NOTE ATUL KUMAR RAI 05-12-2023 TO 08-12-2023 (2)	ATUL KUMAR RAI ALOK KUMAR PATHAK SITARAM GARG R-1,2,3,4,5 = ADVOCATE GENERAL
1.2	Linked (13) WP 05133/2016 (S) [Rule Nisi] Adjustment	VIJAY KUMAR SHARMA & Ors. Versus THE STATE OF MADHYA PRADESH & Ors. 1.IA No-9752/2017 VACATING STAY ADJUSTMENT NOTE ATUL KUMAR RAI 05-12-2023 TO 08-12-2023 (2)	ATUL KUMAR RAI ALOK KUMAR PATHAK ASHWINI CHOUBEY R-1,2,3,4,5,6 = ADVOCATE GENERAL
1.3	Linked (13) WP 07306/2016 (S) Adjustment	PRADEEP KUMAR DEY Versus THE STATE OF MADHYA PRADESH & Ors. 1.IA No-10163/2016 VACATING STAY ADJUSTMENT NOTE ATUL KUMAR RAI 05-12-2023 TO 08-12-2023 (2)	ATUL KUMAR RAI SITARAM GARG R-1,2,3 = ADVOCATE GENERAL R-4,5,6 Treated as Served
1.4	Linked (13) WP 14547/2016 (S) Adjustment	GANESH PRASAD SHUKLA & Ors. Versus THE STATE OF MADHYA PRADESH & Ors. 1.IA No-16214/2016 VACATING STAY ADJUSTMENT NOTE ATUL KUMAR RAI 05-12-2023 TO 08-12-2023 (2)	ATUL KUMAR RAI ALOK KUMAR PATHAK SITARAM GARG R-1,2,3,4,5,6 = ADVOCATE GENERAL
1.5	Linked (13) WP 19012/2016 (S) Adjustment	B.D. MISHRA Versus THE STATE OF MADHYA PRADESH & Ors. 1.IA No-629/2017 VACATING STAY 2.IA No-1266/2019 DOCUMENT TAKEN ON RECORD ADJUSTMENT NOTE ATUL KUMAR RAI 05-12-2023 TO 08-12-2023 (2)	ATUL KUMAR RAI ALOK KUMAR PATHAK SITARAM GARG R-1,2,3,4,5 = ADVOCATE GENERAL
1.6	Linked (13) WA 01033/2017	THE STATE OF MADHYA PRADESH & Ors. Versus CHHOTE LAL RAJAK 1.IA No-15249/2017 CD IN FILING THE WRIT APPEAL 2.IA No-15250/2017 STAY APPLICATION KEPT BELOW CASES WP 03833/2016	P-1,2,3,4,5,6 = ADVOCATE GENERAL R-1 = SACHIN PANDEY

1.7	Linked (13) WP 12293/2018 (S)	RAM SUFAL NUT Versus THE STATE OF MADHYA PRADESH & Ors.	AMIT KUMAR CHATURVEDI R-1,2,3,4,5 = ADVOCATE GENERAL
1.8	Linked (13) WA 01660/2018 Adjustment	MUKUNDLAL TIWARI Versus THE STATE OF MADHYA PRADESH & Ors. ADJUSTMENT NOTE DILEEP KUMAR PANDEY 06-12-2023 TO 07-12-2023 (7) KEPT BELOW CASES WP 08871/2013	DILEEP KUMAR PANDEY ARUN KUMAR PANDEY R-1 TO R-8 = ADVOCATE GENERAL
1.9	Linked (13) WA 01661/2018 Adjustment	THE STATE OF MADHYA PRADESH & Ors. Versus MUKUND LAL TIWARI 1.IA No-13715/2018 CD IN FILING THE WRIT APPEAL 2.IA No-13716/2018 STAY APPLICATION ADJUSTMENT NOTE DILEEP KUMAR PANDEY 06-12-2023 TO 07-12-2023 (7)	P-1 TO P-8 = ADVOCATE GENERAL R-1 = DILEEP KUMAR PANDEY R-1 = ARUN KUMAR PANDEY
1.10	Linked (13) WP 15216/2019 (S)	SHIV KUMAR JHARIYA (MEHRA) Versus STATE OF MADHYA PRADESH & Ors. 1.IA No-3621/2021 AMENDMENT IN THE PETITION 2.IA No-4047/2023 APPLICATION FOR DE LINKING THE INSTANT PEITION WITH W.A.815/2017	VANDANA TRIPATHI LOKMANI KORI R-1 TO R-7 = ADVOCATE GENERAL
1.11	Linked (13) WP 15238/2019 (S)	ASHOK DATT RAI Versus STATE OF MADHYA PRADESH & Ors. 1.IA No-3620/2021 AMENDMENT IN THE PETITION 2.IA No-4035/2023 APPLICATION FOR DE LINKING THE INSTANT PEITION WITH W.A.815/2017	VANDANA TRIPATHI LOKMANI KORI R-1 TO R-7 = ADVOCATE GENERAL
1.12	Linked (13) WP 16967/2019 (S) Adjustment	SANTOSH KAWDE VS STATE OF M.P. AND OTHERS Versus THE STATE OF MADHYA PRADESH & Ors. 1.IA No-8511/2020 INTERIM RELIEF ADJUSTMENT NOTE ATUL KUMAR RAI 05-12-2023 TO 08-12-2023 (2)	P-1 = ALOK KUMAR PATHAK P-1 = ATUL KUMAR RAI R-1,2,3,4 = ADVOCATE GENERAL

TOTAL CASES : 13 (with connected matters)