

HIGH COURT OF MADHYA PRADESH : JABALPUR

FULL BENCH - I (Time 10:30 AM)

Daily Cause List dated : 19-07-2018

**BEFORE: HON'BLE THE CHIEF JUSTICE & HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA &
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	WA 00815/2017	THE STATE OF MADHYA PRADESH Versus JAGDISH PRASAD DUBEY	ADVOCATE GENERAL, GIRISH PRAKASH KEKRE[AG] , M R VERMA[R-1]
<p>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. {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</p>			
1.1	Connected WA 01033/2017	THE STATE OF MADHYA PRADESH Versus CHHOTE LAL RAJAK	ADVOCATE GENERAL , SACHIN PANDEY[R-1]
<p>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 {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]</p>			
1.2	Connected WP 12293/2018 (S)	RAM SUFAL NUT Versus THE STATE OF MADHYA PRADESH	AMIT KUMAR CHATURVEDI ADVOCATE GENERAL
<p>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}</p>			

TOTAL CASES : 3 (with connected matters)

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