



W.P. No.11034 & 17479-2020

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

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 12th OF SEPTEMBER, 2024

WRIT PETITION No. 11034 of 2020

DR. MANMOHAN VYAS DECEASED THROUGH LRS.

SHIROMANI VYAS AND OTHERS

Versus

FINANCE DEPARTMENT AND OTHERS

Appearance:

Shri Moeed Ali Bohra - Advocate for the petitioner.

Ms. Mradula Sen- P.L./G.A. for the State.

WITH

WRIT PETITION No. 17479 of 2020

DR. SURENDRA NARAYAN GUPTA

Versus

***STATE OF M.P. THROUGH DEPARTMENT OF FINANCE AND
OTHERS***

Appearance:

Shri Moeed Ali Bohra - Advocate for the petitioner.

Ms. Mradula Sen- P.L./G.A. for the State.

ORDER

Heard finally, with the consent of the parties.

2] This order shall govern the disposal of both the writ petitions as the same have arisen out of the common orders. For the sake of convenience the facts are being taken from W.P. No.17479 of 2020.



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3] This writ petition has been filed by the petitioner under Article 226 of the Constitution of India seeking the following reliefs:-

- 7.1 To allow the present writ petition;
- 7.2 To issue appropriate writ / order / directions to set aside the relevant portion of the impugned part of the order / notification no. F9/2/2018 Rule 4, **dated 11.06.18** (pre 2016 retirees) issued by the respondent no.1.
- 7.3 To consolidate/revise the pension of the petitioner at the rate of 50% of the entry pay of the corresponding post at which the petitioner retired with effect from 01-01-2016.
- 7.4 Consequently, **to grant the arrears of pension with effect from 01.01.16** with interest @ 18% p.a.
- 7.5 Cost of the litigation quantified at Rs.50,000/- be paid to the petitioner.
- 7.6 Any other relief that this Hon'ble Court deems fit.”

4] Counsel for the petitioner at the outset has submitted that the issue involved in the present case has already been settled by this Court in the case of *Dr. Surendra Narayan Gupta Vs. State of M.P. and Others*, passed in *W.P. No. 9866/2012* on *01.07.2024*, in which also, the State Government had relied upon the circular dated 03.08.2009, which was passed in respect of 6th Pay Commission whereas, in the present petition, it is only 7th Pay Commission and all the other conditions have remained the same.

5] Counsel for the respondent has opposed the prayer on the ground that this case relates to the 7th Pay Commission only and thus, the aforesaid decision would not be applicable, which was in respect of 6th Pay Commission only.

6] Having considered the rival submissions and on perusal of the documents filed on record, as also the order passed by this Court in *W.P. No.9866/2012*, in the case of the present petitioner only, this Court finds that this Court has dealt with the circular dated 03.08.2009 in detail and the relevant paras of the order dated 01.07.2024 read as



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under:-

“26] So far as the submission of Shri Parwal, learned counsel for the State that the petitioner may be given liberty to file a fresh representation is concerned, this Court is of the considered opinion that this matter is pending since 2012, and at this juncture no such orders can be passed which would again drag the petitioner in further litigation for yet another decade or so, and even otherwise, the representation dated 05.06.2010 (Annexure P/8) was already pending when the petition was filed, which could have been decided by the State until now.

27] In view of the same, this Court has no hesitation to come to a conclusion that in respect of the issue involved *i.e.*, whether the petitioner, while being granted the revision of pension, can be treated differently only because he stood retired prior to 01.01.2006 vis-à-vis the persons who stood retired after 01.01.2006, in the light of the subsequent decision of Supreme Court in the case of **All Manipur Pensioners Association (supra)**, the decision rendered by this Court in the case of **P.V. Sreenivasaiah and others (supra)** does not govern the field anymore.

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28] In view of the same, the petition stands allowed and Clause 1.1 of the order dated 03.08.2009 Annexure P/1 is hereby quashed and the respondents are directed to accord the benefit of revised pension to the petitioner in the light of the resolution Annexure-P/2 dated 10.09.2008, along with arrears with interest @ 6 % per annum, within a period of four months from today.”

(Emphasis Supplied)

7] Thus, accordingly, the petition stands **allowed**, and Clause 1 of the order dated 11.06.2018 Annexure P/6 is hereby quashed and the respondents are directed to accord the benefit of revised pension to the petitioner at the rate of 50% of the corresponding revised entry pay as per 7th Pay Commission, along with arrears with interest @ 6 % per annum, within a period of four months from today.

8] With the aforesaid, the petition stands **allowed** and **disposed of**.

(SUBODH ABHYANKAR)
JUDGE

Bahar