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

**BEFORE  
HON'BLE SHRI JUSTICE PRANAY VERMA**

**ON THE 26<sup>th</sup> OF APRIL, 2024**

**WRIT PETITION No. 10641 of 2024**

**BETWEEN:-**

**SMT. SUDARSHANA DANDEL W/O LATE SHRI ARUN DANDEL, AGED ABOUT 71 YEARS, OCCUPATION: HOMEMAKER 66, VIDYA NAGAR, IN FRONT OF SHIV TEMPLE, UJJAIN (MADHYA PRADESH)**

**.....PETITIONER**

***(SMT. NEERJA PATNE - ADVOCATE)***

**AND**

- 1. THE STATE OF MADHYA PRADESH PRINCIPAL SECRETARY DEPARTMENT OF HIGHER EDUCATION VALLABH BHAWAN MANTRALAYA BHOPAL (MADHYA PRADESH)**
- 2. THE COMMISSIONER GOVERNMENT OF MADHYA PRADESH DEPARTMENT OF HIGHER EDUCATION SATPURA BHAWAN, BHOPAL (MADHYA PRADESH)**
- 3. THE REGIONAL ADDITIONAL DIRECTOR OF HIGHER EDUCATION UJJAIN DIVISION UJJAIN (MADHYA PRADESH)**
- 4. THE EDUCATION OFFICER AND PRINCIPAL GOVERNMENT KALIDAS GIRLS COLLEGE, UJJAIN (MADHYA PRADESH)**
- 5. THE PRINCIPAL JAI JAWAN COLLEGE, TARANA TEHSIL TARANA DISTRICT UJJAIN (MADHYA PRADESH)**

**.....RESPONDENTS**

***(BY SHRI ANENDRA SINGH PARIHAR - PANEL LAWYER)***

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

*following:*

**ORDER**

**01.** This petition has been preferred by the petitioner challenging the inaction on the part of the respondents whereby they have not granted full salary and allowances to the petitioner for the period from 01.04.2011 to 31.03.2014, because he remained out from service, as he was forced to retire at the age of 62 years.

**0 2 .** Counsel for the petitioner has drawn attention of this Court towards the order of the Supreme Court passed in the case of Dr.R.S.Sohane Vs. State of M.P an others, (2019) 16 SCC 796 wherein the Supreme Court has held that petitioner is entitled to continue up to the age of 65 years and also entitled for 1 payment of salary for the intervening period. He submits that despite the aforesaid order respondents have not paid salary to the petitioner for the intervening period i.e 01.04.2011 to 31.03.2014, for which he is otherwise entitled. He has placed reliance upon the order passed by Division Bench in W.A.No.378/2018 (**Balkrishna Rathi Vs. The State of Madhya Pradesh and others) & Ors.** connected Writ Appeals decided by order dated 07/09/2021. He has also drawn attention of this Court towards the orders passed by the Division Bench which are annexed along with petition.

**0 3 .** The issue regarding entitlement to receive the salary for the intervening period when petitioner and other similarly situated persons were forced to remain out from service, as they have been retired at the age of 62 years is no more res integra. Therefore, I am inclined to allow this petition directing the respondents to pay full salary, to the petitioner for intervening period forthwith, if the same has already not been paid. It is also directed that the exercise for counting the period for which petitioner remained out from

service and entitled to get full salary shall be completed within a period of 60 days from the date of receipt of copy of the order.

**04.** Petition is accordingly **allowed**.

**(PRANAY VERMA)**  
**JUDGE**

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