

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

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

ON THE 15th OF MAY, 2024

WRIT PETITION No. 12976 of 2024

BETWEEN:-

NARAYAN PATIDAR S/O SHRI DHANJI PATIDAR, AGED ABOUT 64 YEARS, OCCUPATION: PENSIONER, RTD. FROM GOVT. HIGHER SECONDARY SCHOOL SUNDREL BLOCK AND TEHSIL DHARAMPURI, DISTRICT DHAR R/O: 15, RAJENDRA COLONY, RAJGARH, TEHSIL SARDARPUR DISTRICT DHAR (MADHYA PRADESH)

.....PETITIONER

(BY SHRI SANTOSH PANDEY - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH ITS PRINCIPAL SECRETARY TRIBAL WORK DEVELOPMENT DEPARTMENT VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)**
- 2. COMMISSIONER TRIBAL WORK DEPARTMENT SATPURA BHAWAN, BHOPAL (MADHYA PRADESH)**
- 3. DIRECTOR, PENSION BHAVISHYA NIDHI EVAM BIMA MADHYA PRADESH ARERA HILLS, BHOPAL (MADHYA PRADESH)**
- 4. ASSISTANT COMMISSIONER, DHAR TRIBAL WORK DEPARTMENT DIST. DHAR (MADHYA PRADESH)**
- 5. DISTRICT PENSION OFFICER DHAR DIST. DHAR (MADHYA PRADESH)**
- 6. DISTRICT TREASURY OFFICER DHAR DIST. DHAR (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI KAUSTUBH PATHAK - GOVERNMENT ADVOCATE)

.....

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

ORDER

01. The petitioner has filed the present petition under Article 226 of the Constitution of India for issuance of an appropriate writ, order or direction, directing the respondents to grant him annual increment fell due on 01.07.2022. The petitioner retired from service on 30.06.2022, after attaining the age of superannuation.

02. Learned counsel for the petitioner submits that the issue involved in the present case has already been settled on 11.04.2023 by the Supreme Court recently in the case of ***Director (Admn. & HR) KPTCK & Others v/s C.P. Muddinamani & Others [Civil Appeal No.2471 of 2023 @ SLP (C) No.6185 of 2020]*** reported in ***2023 LiveLaw (SC) 296***, wherein it has been held that the benefit of annual increment which was to be added on 1st of July every year shall be paid to the employee who got retired on 30th of June of the said year, therefore, the present petition is also entitled to get the said benefit.

03. Considering the aforesaid and taking note of the judgment passed by the Supreme Court in the case of ***C.P. Muddinamani (supra)***, the respondents are directed to grant the benefit of annual increment which was to be added with effect from 01.07.2022 and recalculate the benefit of retiral dues and pension and issue fresh Pension Payment Order (PPO) in favour of the petitioner within a period of three months from the date of receipt of certified copy of this order. The petitioner is also entitled for arrears. PPO be accordingly revised.

04. With the aforesaid, Writ Petition stands **allowed**.

Shilpa

