



IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI

WRIT PETITION No. 34088 of 2024

TRILOKCHAND DHANERIYA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

WITH

WRIT PETITION No. 34470 of 2024

RAVINDRA KUMAR TIWARI

Versus

THE STATE OF M. P. AND OTHERS

WRIT PETITION No. 35544 of 2024

SMT. MANORAMA AGRAWAL

Versus

STATE OF M.P. AND OTHERS

WRIT PETITION No. 35546 of 2024

DEEPAK PATIL

Versus

STATE OF M.P. AND OTHERS

WRIT PETITION No. 36261 of 2024

R. C. PATEL

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

WRIT PETITION No. 36262 of 2024

SHASHIKANT POORKAR

Versus



THE STATE OF MADHYA PRADESH AND OTHERS

WRIT PETITION No. 36263 of 2024

SURENDRA SINGH RAJPAL

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

WRIT PETITION No. 36591 of 2024

WILLIAM RAPHAEL

Versus

STATE OF M.P. AND OTHERS

WRIT PETITION No. 36771 of 2024

VIJAY KUMAR SHARMA

Versus

STATE OF MADHYA PRADESH AND OTHERS

WRIT PETITION No. 37350 of 2024

R.C. SOMANI

Versus

THE STATE OF M.P. AND OTHERS

WRIT PETITION No. 37839 of 2024

SUKHVIR SALUJA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

WRIT PETITION No. 37870 of 2024

MADAN SATARKAR

Versus

STATE OF M.P. AND OTHERS

WRIT PETITION No. 38142 of 2024

RAJENDRA KUMAR LAAD

Versus

THE STATE OF M.P. AND OTHERS

WRIT PETITION No. 38182 of 2024



SITARAM RATHOD

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

WRIT PETITION No. 38211 of 2024

CHANDRAKANT MAHASHABDE

Versus

THE STATE OF M.P. AND OTHERS

WRIT PETITION No. 38997 of 2024

MOHANLAL BAGORA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

WRIT PETITION No. 39849 of 2024

HUKUMCHAND SHRIMALI

Versus

STATE OF M.P. AND OTHERS

WRIT PETITION No. 40020 of 2024

ABDUL ZABBAR

Versus

STATE OF M.P. AND OTHERS

WRIT PETITION No. 40023 of 2024

ASHOK KUMAR DUBEY

Versus

STATE OF M.P. AND OTHERS

WRIT PETITION No. 40085 of 2024

MADAN SARAF

Versus

STATE OF M.P. AND OTHERS

WRIT PETITION No. 40128 of 2024

MANOHAR SINGH PANWAR

Versus



THE STATE OF MADHYA PRADESH AND OTHERS

WRIT PETITION No. 40254 of 2024

DINESH CHANDRA SHARMA

Versus

STATE OF M.P. AND OTHERS

WRIT PETITION No. 40337 of 2024

KAMALAKAR PAROLKAR

Versus

STATE OF M.P. AND OTHERS

WRIT PETITION No. 40338 of 2024

ARVIND AWASTHI

Versus

STATE OF M.P. AND OTHERS

WRIT PETITION No. 40623 of 2024

RATIPAL YADAV

Versus

THE STATE OF M. P. AND OTHERS

WRIT PETITION No. 40765 of 2024

SANTOSH KULKARNI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

WRIT PETITION No. 40771 of 2024

MOOLCHAND

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

WRIT PETITION No. 40902 of 2024

BANE SINGH CHOUHAN

Versus

STATE OF M.P. AND OTHERS

WRIT PETITION No. 41312 of 2024



V.B. SHUKLA

Versus

THE STATE OF M. P. AND OTHERS

WRIT PETITION No. 3539 of 2025

POONAMCHAND JAIN AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

WRIT PETITION No. 3561 of 2025

S.N. CHOUDHARY

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

WRIT PETITION No. 8422 of 2025

KIRAN KARANDIKAR

Versus

STATE OF M.P. AND OTHERS

WRIT PETITION No. 9456 of 2025

PRAKASH CHANDRA LONKAR

Versus

THE STATE OF M. P. AND OTHERS

WRIT PETITION No. 9477 of 2025

KAMLAKANT VYAS

Versus

THE STATE OF M. P. AND OTHERS

WRIT PETITION No. 12509 of 2025

VASANT PATHAK

Versus

THE STATE OF M. P. AND OTHERS

WRIT PETITION No. 12510 of 2025

VIJAYSINGH YADAV

Versus



THE STATE OF M. P. AND OTHERS

WRIT PETITION No. 13528 of 2025

SHARAD KUMAR KATIYARKAR AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

WRIT PETITION No. 13981 of 2025

SMT. MADHUBALA JATALE

Versus

STATE OF M.P. AND OTHERS

WRIT PETITION No. 14993 of 2025

RAMCHANDRA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

WRIT PETITION No. 14996 of 2025

SMT. MAYA SHAHANE

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

WRIT PETITION No. 15242 of 2025

KEVAL CHAND TAILOR

Versus

THE STATE OF M. P. AND OTHERS

WRIT PETITION No. 17355 of 2025

NARENDRA SINGH KAPOOR AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Aditya Goyal, learned counsel for the petitioners in W.P. No.3539 of 2025.

Shri Karpe Mohan Prakhar, learned counsel for the petitioners in W.P. No.13528 of 2025.



W.P. No.34088 of 2024 & Others

*Shri Yash Nagar, learned counsel for the petitioner in W.P. No.17355 of 2025.**Shri Dheeraj Singh Pawar, learned counsel for the petitioners in all remaining writ petitions.**Shri Suddep Bhargava, learned Deputy Advocate General for the respondent / State.**Shri Yogesh Hemnani, learned counsel for the remaining respondents.*

Reserved on : 25th June, 2025**Delivered on : 30th June, 2025**

O R D E R***Per : Justice Vivek Rusia***

Since the subject matter in these writ petitions is identical, with the joint request of parties, all the petitions are analogously heard and being decided by this common order. Facts are being taken from Writ Petition No.34088 of 2024 which are narrated hereunder.

01. The petitioner has filed the present petition under Article 226 of the Constitution of India seeking quashment of Rule 10(1) of the Madhya Pradesh Civil Services (Commutation of Pension) Rules, 1996 as amended vide Notification dated 05.02.2013 and also the Notification dated 03.04.2013 which provides for restoration of commuted part of pension after a period of 15 years as illegal, arbitrary being *ultra-vires* of the provisions of Constitution of India. The petitioner is seeking refund of the excess amount recovered from the period beyond the period of 10 years and 08 months along with interest @ 18% per annum.

CASE OF THE PETITIONER

02. The petitioner is a senior citizen of India and comes under the category of pensioner of the respondents. The petitioner retired from the post of Office Assistant, Grade – I on 31.12.2012 from the office



of Joint Secretary – III, the Madhya Pradesh Paschim Kshetra Vidyut Vitran Company Limited (hereinafter referred to as MPPKVVCL).

03. The MPPKVVCL is a Government Company registered under the provisions of the Companies Act, 1956 (Now 2013) incorporated after bifurcation of the Madhya Pradesh State Electricity Board. The MPPKVVCL is engaged in the sale and distribution of electricity in the State of Madhya Pradesh and adopted the Service Rules framed by the Government from time to time.

04. The State Government, in the exercise of the power conferred by the proviso to Article 309 of the Constitution of India made rules known as the Madhya Pradesh Civil Services (Commutation of Pension) Rules, 1996 (in short 'the Rules of 1996') which came into force w.e.f. 6th day of February, 1995. The rules have been made applicable to those Government Servants who may be entitled or to have authorize any class of pension under the Madhya Pradesh Civil Services (Pension) Rules, 1976 etc.

05. Rule 4 of the Rules of 1996 provides for a **Restriction on the commutation of pension** and Rule 5 provides for a **Limit on the commutation of pension**. As per Rule 6, the commutation of pension shall become absolute on which the application in Form 'A' is received by the Head of Office and as per proviso, the reduction in the amount of pension on account commutation shall be operative from the date of receipt of commuted value of pension. Rule 8 prescribes **the Calculation of the commuted value of pension**, according to which the lump sum payable to an applicant shall be calculated in accordance with the value table appended to these rules. Rule 11 provides for the **Application for commutation of pension**.



Which requires interpretation in this writ petition.

06. After retirement of the petitioner on 31.12.2012, respondents vide pension order dated 14.12.2012 sanctioned pension of Rs.15,140/- per month. The petitioner opted for commutation of pension under the Rules of 1996 and vide order dated 05.10.2013, an amount of Rs.5,06,881/- was determined and paid to the petitioner against commutation of 1/3rd portion of pension. In order to repay the amount, an EMI of Rs.5,046/- i.e. @ 1/3rd of the pension was fixed for the period of 180 months by way of deduction from the amount of monthly pension as per Rule 10(1) of the Rules of 1996. The petitioner started getting the reduced pension of Rs.10,094/- w.e.f. December, 2013. At the time of commutation of pension, the petitioner was aged about 59 years, therefore, as per the table, factor 8.371 was applied and an amount of Rs.5,06,881/- was paid to the petitioner. At that time, the interest was 8% per annum and was applied for repayment of the commuted amount in 180 months @ EMI of Rs.5,046/-. The pension is liable to be restored on 01.01.2019.

07. The grievance of the petitioner is that the rate of interest i.e. 8% applied in the year 2013 is liable to be reduced gradually with the rate of interest reduced by the Reserve Bank of India (RBI) from time to time at par for the loan given by the Bank or other financial institutions.

08. As per the Rules, the pension of the petitioner shall be restored after 15 years from the date of actual payment of commutation amount. According to the petitioner the commuted value of the pension sanctioned in the month of November, 2013 was Rs.5,06,881/- and in 11 years 03 months, the respondents have



recovered Rs.6,81,2010/- and in 15 years, the respondents would recover an amount of Rs.9,08,280/-. Therefore, they are recovering the excess amount of Rs.2,27,070/- from the pensioner. Hence, the relevant rule of the Rules of 1996 be declared *ultra vires*.

09. The sole grievance of the petitioner is about the fixed rate of interest @ 8% per annum which is on the higher side for 15 years and the same is liable to be reduced up to 5 or 6 % gradually. In order to get interim relief the petitioner has done his own calculation and submitted before this Court that the amount of commuted pension had already been paid in excess, therefore, further payment be stayed. This Court, believing on the statement of petitioner has stayed the impugned recovery.

REPLY OF THE RESPONDENTS

10. After notice, the respondents have filed a reply by submitting that no excess amount is being recovered from the petitioner. The EMI, which was fixed at the time of commutation of pension is being maintained for a period of 15 years which is as per Rule 8 of the Rules of 1996. There is no such reduction of the rate of interest by the State Government in the Rules of 1996, therefore, the respondents cannot reduce the rate of interest.

OUR APPRECIATION & CONCLUSION

11. The Rules in question relating to the commutation of pension came into force in the year 1996. Rule 10 of the Rules of 1996 provides for the **Restoration of commuted portion of pension**. Under this rule, the pensioner shall be entitled for restoration of the pension from the first date following the month in which he attained the age of 70 years. This rule was amended by a Notification dated



07.02.2000, by which the commuted portion of the pension will be restored from the first day of the following month after 15 years from the date of retirement. It was further amended by Notification dated 05.02.2013, according to which the pensioner, who has commuted a portion of his pension, will have his commuted portion of pension restored from the first day of the following month in which he attains the age of 75 years or 15 years from the date of retirement, whichever is later which is reproduced below:-

"(1) A pensioner, who has commuted a portion of his pension, will have his commuted portion of pension restored from the first day of the following month in which he attains the age of 75 years or 15 years from the date of retirement, whichever is later."

12. In the present case, the petitioner opted for commutation of pension and respondents sanctioned the same vide order dated 05.10.2013, therefore, sub-rule (1) substituted vide Notification dated 07.02.2000 will apply, according to which the petitioner is entitled to restoration of commuted portion of pension after attaining the age of 75 years or 15 years from the date of retirement whichever is earlier. Therefore, the petitioner neither attained the age of 75 years nor 15 years have lapsed from the date of retirement. Hence, the pension is not liable to be restored.

13. According to the petitioner, if the Reserve Bank of India is reducing the rate of interest from time to time on the loans taken from the Banks and other financial institutions, at the same time the Government of Madhya Pradesh should also have reduced the rate of interest from time to time. In reply, learned counsel for the respondents submits that apart from the rate of interest, there are other factors which were taken into consideration by fixing the factor



under Rule 8 of the Rules of 1996 as the pensioner gets income tax-free loan from the Government / employer that too without any additional security or guarantee.

14. The State Government amended the table appended under Rule 9 from time to time. The last amendment was made vide Notification dated 07.02.2000. The commuted amount paid to the pensioner is completely tax-free without guarantee unlike bank loans or private loans. The commutation of pension can never be equated or compared with loans given by banks or private persons which is commercial in nature. The petitioner had knowledge about the rate of interest at the time of commutation, therefore, the *Principle of Estoppel* will apply. The petitioner, at the subsequent stage, cannot challenge that the rate of interest is fixed as per statute with the consent of the parties. The petitioner voluntarily availed the benefit under the Rules of 1996 and, hence, cannot raise any grievances.

15. At the cost of repetition, there was no compulsion from the respondent side to the pensioner to take the benefit of commutation of pension, it is a voluntary act of the petitioner. The petitioner, after understanding the rate of interest payable for a period of 15 years, accepted the commuted amount from the State Government. Now at the time of repayment, the petitioner cannot challenge the terms and conditions of the loan that too statutory in nature. It is purely a policy matter, in which the experts decide the rate of interest to be applied under the Rules of 1996 which cannot be interfered by the High Court.

16. Before the High Court of Punjab & Haryana at Chandigarh, the constitutional validity of a provision of Chapter – 11 of the



Punjab Civil Services Rules, Volume – II was challenged by 808 pensioners. Vide judgment dated 27.11.2024 delivered in the case of ***Shila Devi & Others v/s The State of Punjab & Others and Others petitions Neutral Citation 2024:PHHC:157352-DB***, the Division Bench has dismissed. Paragraphs – 19, 20, 27 & 28 of the aforesaid judgment is reproduced below:-

"19. A similar controversy had been raised in case of **Forum of Retired IPS Officers (Foripso) Vs. Union of India and another, 2019(2) AD (Delhi) 581**, challenging Rule 10.9 of the Central Civil Services (Commutation of Pension) Rules, 1981, which provided for recovery of the amount of commuted pension in 15 years and petitioners therein sought a direction to respondents to reduce the period of recovery from 15 years to actual recovery period of commuted amount i.e., years of purchases without interest with an addition of two years. Arguments as raised in the said petition and as noted by the Delhi High Court read as under:-

"7. The petitioner claims that restoration of commutation of full pension after 15 years is arbitrary and lacks a mathematical basis and foundation. Retirement age for central government employees was raised to 60 years with effect from 1st May, 1998. Commutation factor in view of increase in age of retirement would stand reduced from 10.46 applicable at the age of 59 years to 9.81 applicable at the age of 60 years. As per the new commutation table made effective from 2nd September, 2008 the commutation factor has been downgraded from 9.81 to 8.194 for 60 years. Notwithstanding the aforesaid reduction in the commutation factor, the period for restoration of commuted pension has been retained and continues to be 15 years. Secondly, permissible commutation was increased from 33% of the basic pension to 40% of the basic pension. Thirdly, the respondents for the purpose of commutation i.e. for quantifying the percentage of amount to be paid on commutation, had based the table on interest payable @ 4.75% per annum, which interest was increased/enhanced to 8% per annum in the new table for the retirees with effect from 2nd September, 2008. Fourthly, the commutation provisions have not kept up with time as the life expectancy has increased from 57 years in 1987 to more than 68.5 years at present. Average life expectancy for the relevant group, i.e. the government servants as per WHO statistics is 77 years.



Government servants have a much higher life expectancy than the national average. Further the commuted pension is paid to retirees after they clear the medical examination/screening which reduces the risk factor of an early death. In support of the contentions, reference was made to Chapter 136 of the report of the Fifth Central Pay Commission, which had recommended reduction of the period of recovery of commuted pension to 12 years from 15 years. This recommendation, it was argued, was unjustifiably and arbitrarily not accepted by the Central Government, though some State Governments like Kerala, Madhya Pradesh, Orissa and Punjab had permitted restoration of full pension after 12 years of commutation."

20. It was held in the case of **Forum of Retired IPS Officers (Foripso) Vs. Union of India and another (supra)** that issues related to commutation of pension, factor to be applied, restoration of full or part of the pension are complex and vexed questions being subject matter of several Pay Commission Reports. Actuarial calculations besides financial implications make the administrative exercise convoluted and tedious. The Court would thus not step into the cumbersome exercise and interfere until and unless there is complete arbitrariness and discrimination which is ex-facie apparent. It was held as under:-

"16. Increase in life expectancy and its effect on commuted pension cannot be viewed in isolation. Several factors, figures and the entire pension provisions on the whole including cost to the exchequer have to be taken into consideration. Commutation table can take into consideration periodical increase in salary and better saving capacity during service period due to increase and enhanced pay scales. Courts would hesitate and not go by one formula and mathematical calculations on assumption and precept that the formula would be more fair, just and appropriate. There can be many formulas. Calculations are complex, convoluted and a tricky task. Fixation of payment of pension or commutation of pension, etc. are highly difficult and cumbersome exercise which the Court would not like to step into, undertake and even interfere unless there is complete arbitrariness and discrimination that is ex-facie apparent. Courts on perceived wisdom would not declare the table as flawed, acting and preforming the role of an actuarial. Every government, including the Central Government, has to take into consideration their available resources and funds, for any increase and enhancement in pension requires money which may well have to be diverted from other schemes or would result in reduction of funds available for poor, the marginalized and needy.



17. Pension, commutation of pension, etc. are policy matters, which are examined and decided on the basis of recommendations of the Pay Commissions by the authorities. No doubt, an executive order or policy decision is not beyond the scope of judicial review but the Courts do not go into the nitty gritty of the policy to substitute the table by making various computations and calculations, which are possible by different formulas or by applying a particular formula. Broadly, policy decisions can be subjected to judicial review when they are unconstitutional being de hors the provisions of the Act and the Regulations, if the delegatee has acted beyond its power of delegation and if the executive policy is contrary to the statutory or larger policy in matters of price fixation, pay fixation, etc. Courts would not interfere unless formula or method adopted is per se and ex facie irrational, arbitrary or can be struck down on the four grounds mentioned above."

27. It is a matter of record that all the petitioners before us are retired employees who have admittedly availed of the benefit of commutation of pension. Admittedly, pension of some of the employees also stands restored. All the petitioners were in service at the time of issuance of notification dated 21.07.1998. They never raised any objection to the stipulated period of 15 years for restoration of pension. Having availed of a benefit which is clearly voluntary in nature, it is not open to the petitioners to raise the grievances as noted above, at this stage, to seek a variation in the terms and conditions accepted by them with open eyes. They are not entitled to seek recovery of the amount so deposited by them in accordance with the accepted terms and conditions.

28. In this factual matrix, the argument that it is a continuing cause of action as it pertains to pension, is clearly unacceptable. There is no question of any direction to the State to restore pension on expiry of 11.5 years or 12 years as prayed for or to refund the amount so recovered. It is necessarily for the State to take a considered decision thereon after delving into the complex questions and underlying parameters which would be involved for assessment of the issues. Admittedly, matters related to commutation of pension are complex affairs involving vexed issues traversing diverse field which calls for application of specialized expertise. It is a settled position that in such matters the Court would venture only in case of manifest and apparent arbitrariness. Learned counsel for petitioners were unable to point out any material on record to indicate that the formula adopted is per se and ex facie irrational or arbitrary which calls for interference by this Court."



17. The respondents have prepared a chart to show that no excess recovery is being made from the petitioners and they are strictly recovering the amount as per the rate of interest, EMI and number of months fixed at the time of commutation of pension. The chart is reproduced below:-

क्रमांक	रिट पिटोराम नं	नाम	मूल पेंशन (संवर्धित के समक)	सावरीकरण आरंभ करने वाले वर्ष के जन्मदिन पर पेंशन की उम्र	आरंभ करने वाले वर्ष के जन्मदिन पर उम्र के हिसाब से सेक्टर	पेंशन सावरीकरण के समय की गई राशि का विवरण (मूल पेंशन 3 1/2% X 12 X मल्टी. फेक्टर)	कुल राशि जो पेंशन से प्राप्त की जाती है		पेंशन सावरीकरण का कटौत प्राप्ति होने की दिनांक	प्राप्ति सावरीकरण द्वारा बना की गई है। (मई-2025 तक)			प्राप्ति जो पेंशन से ली जाना शेष है।		कम्प्यूटेशन रेट्रोपेक्शन दिनांक	टीप
							महीने	कुल राशि		महीने	कुल राशि	महीने	कुल राशि			
1	36261/2024	Shri R C Patel	6325	67	7.431	187975	180	379440	01-Jun-14	2108	132	278256	48	101184	01-Jun-29	
2	37350/2024	Shri R C Somani	10345	67	7.431	307465	180	620540	01-Dec-13	3448	138	475824	42	144816	01-Dec-28	
3	36591/2024	Shri William Raphael	18385	62	8.093	595127	180	1103040	01-Jan-14	6128	137	839536	43	263504	01-Jan-29	
4	34470/2024	Shri Ravindra Kumar Tiwari	33685	60	8.287	1116557	180	2021040	01-Dec-13	11228	138	1549464	42	471576	01-Dec-28	
5	40085/2024	Shri Madan Saraf	30099	60	8.287	997722	180	1805940	01-Feb-14	10033	136	1364488	44	441452	06-Feb-29	
6	3551/2025	Shri S N Choudhary	22005	60	8.287	728422	180	1320300	01-Jan-14	7335	137	1004895	43	315405	01-Jan-29	
7	40023/2024	Shri Ashok Kumar Dubey	14790	60	8.287	490259	180	887400	01-Dec-13	4930	138	680340	42	207060	01-Dec-28	
8	40337/2024	Shri K P Parolkar	16240	64	7.862	510684	180	974340	01-Jun-14	5413	132	714516	48	259824	01-May-29	
9	38211/2024	Shri Chandrakant Mahashabde	13130	61	8.194	430283	180	787680	01-Dec-13	4376	138	603888	42	183792	01-Dec-28	
10	40902/2024	Shri Banesingh Chouhan	12140	61	8.194	393902	180	721080	01-Aug-14	4006	130	520780	50	200300	01-Aug-29	
11	37839/2024	Shri Sukhvir Saluja	15250	61	8.194	500096	180	915480	01-Dec-13	5086	138	701868	42	213612	01-Dec-28	
12	37870/2024	Shri Madan Satarikar	14695	60	8.287	487077	180	881640	01-Oct-13	4898	140	685720	40	195920	01-Oct-28	
13	38142/2024	Shri Rajendra Kumar Lad	15190	60	8.287	503485	180	911340	01-Nov-13	5063	139	703757	41	207583	01-Nov-28	
14	36771/2024	Shri Vijay Kumar Sharma	16195	60	8.287	536799	180	971640	01-Dec-13	5398	138	744924	42	226716	01-Dec-28	
15	35546/2024	Shri Deepak Patil	15695	60	8.287	520192	180	941580	01-Oct-13	5231	140	732340	40	209240	01-Oct-28	
16	36262/2024	Shri Shashikant Poorkar	14695	60	8.287	487077	180	881640	01-Jan-14	4898	137	671026	43	210614	01-Jan-29	
17	36263/2024	Shri Surendra Singh Rajpal	14695	60	8.287	482204	180	872820	01-Nov-13	4849	139	674011	41	198809	01-Nov-28	
18	38997/2024	Shri Mohanlal Bagora	12530	60	8.287	415278	180	751680	01-Jun-14	4176	132	551232	48	200448	01-Jun-29	
19	40254/2024	Shri Dinesh Chandra Sharma	12520	59	8.371	414967	180	743580	01-Dec-13	4131	138	570078	42	173502	01-Dec-28	
20	40765/2024	Shri Santosh Kulkarni	16170	59	8.371	541436	180	970200	01-Jan-14	5390	137	738430	43	231770	01-Jan-29	

Joint Secretary

CEC-CELL

O/o. MD(WZ)

WV Co. Ltd. Indore

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01-Joint Secretary-II
CEC-CELL
O/o. MD(WZ)
HDB/VIC Ltd. Indor

18. However, the petitioners are not disputing these figures mentioned in the chart, but are aggrieved by the fixed rate of interest. There is no provision in the rules of 1996 about the floating rate of interest at par with the RBI.



19. As held above, it is purely a policy matter and within the domain of the legislature to amend the rules and fix the landing rate of interest, period of restoration of pension etc. Hence, all the writ petitions, being devoid of merit, are liable to be dismissed. The period during which, the repayment by way of EMI was not given to the respondents due to the stay granted by this Court is liable to be paid by the petitioners along with regular scheduled EMI.

20. With the aforesaid observations, the Writ Petition stands dismissed. The order passed by this Court in the present case shall govern the connected writ petitions also, therefore, other writ petitions also stand dismissed with similar observations. No order as to cost.

Let a photocopy of this order be kept in the connected writ petitions also.

(VIVEK RUSIA)
J U D G E

(BINOD KUMAR DWIVEDI)
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