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WA-2777-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 16th OF JANUARY, 2026

WRIT APPEAL No. 2777 of 2025

*SACHIV MADHYA PRADESH ADIM JATI KALYAN VIBHAG AND
OTHERS*

Versus

SHANKARLAL SHARMA

.....
Appearance:

Shri Sudeep Bhargava- Dy. Advocate General for the appellant/State.

None of the Respondent/ writ petitioner
.....

WITH

WRIT APPEAL No. 2249 of 2025

THE STATE OF MADHYA PRADESH AND OTHERS

Versus

BHAGWANDAS JHA

.....
Appearance:

Shri Sudeep Bhargava- Dy. Advocate General for the appellant/State.

None of the Respondent/ writ petitioner
.....

WRIT APPEAL No. 2118 of 2025

THE STATE OF MADHYA PRADESH AND OTHERS

Versus

SMT. KALAWATI BADOLE AND OTHERS

.....
Appearance:

*Shri Sudeep Bhargava- Dy. Advocate General for the
appellant/State.*

Ms. Saloni Agnihotri- Advocate for respondent no.3.



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WRIT APPEAL No. 2283 of 2025

THE STATE OF MADHYA PRADESH AND OTHERS
Versus
PANNALAL DASHORA

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Appearance:

Shri Sudeep Bhargava- Dy. Advocate General for the appellant/State.
None of the Respondent/ writ petitioner

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WRIT APPEAL No. 2284 of 2025

THE STATE OF MADHYA PRADESH AND OTHERS
Versus
KANWARLAL SHARMA

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Appearance:

Shri Sudeep Bhargava- Dy. Advocate General for the appellant/State.
None of the Respondent/ writ petitioner

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WRIT APPEAL No. 2589 of 2025

THE STATE OF MADHYA PRADESH AND OTHERS
Versus
RATAN LAL CHOUHAN

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Appearance:

Shri Sudeep Bhargava- Dy. Advocate General for the appellant/State.
None of the Respondent/ writ petitioner

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WRIT APPEAL No. 2755 of 2025

THE STATE OF MADHYA PRADESH AND OTHERS
Versus
LAKHAN DAS VAISHNAV AND OTHERS

.....
Appearance:

Shri Sudeep Bhargava- Dy. Advocate General for appellant/State.
Shri Manish Yadav- Advocate for respondent no.1.

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ORDER

Per. Justice Vivek Rusia

These writ appeals have been preferred by the State of Madhya Pradesh and its concerned departments, questioning the legality and correctness of separate orders passed by the learned Single Judge in a batch of writ petitions filed by retired government servants and family pensioners. Since all the appeals arise from similar factual backgrounds, involve common statutory circulars and raise identical questions relating to the grant of an additional quantum of pension on attainment of the age of 80 years, they are being heard together and are being decided by this common judgment.

2. In all the writ petitions giving rise to the present appeals, the petitions were instituted on the grievance arising out of the non-grant of an additional quantum of pension as envisaged under the Finance Department Circular dated 03.08.2009. By the said Circular, the Appellant/State Government introduced a scheme for the grant of additional pension to elderly pensioners and family pensioners on attaining prescribed age milestones beginning from the age of 80 years and above, with pension increasing progressively at higher age slabs. Clause 1.3 of the Circular specifically provides for enhancement of the basic pension by a stipulated percentage on attaining the age of 80 years, 85 years and thereafter.

3. The consistent case of the Respondents/writ petitioners was that they had either attained the age of 80 years or crossed higher age thresholds and were therefore squarely covered by the said Circular; however, despite such eligibility, the additional quantum of pension was not being released to



them. The petitioners asserted that the authorities were proceeding on an incorrect interpretation of the Circular by insisting that the additional pension would become payable only after completion of 80 years of age, and that too from the first day of the succeeding month. High Court.

4. The Respondents/Writ Petitioners contended before the learned Single Judge that such an interpretation was legally unsustainable as in the ordinary and settled understanding of age computation, a person completes 79 years and enters into the 80th year on the date of his 80th birthday. Emphasis was placed on Clause 1.3 of the said Circular, contending that the expression "from 80 years" occurring therein ought to be construed to mean the date on which the pensioner enters the 80th year of age. It was contended before the learned Single Judge that the pensioner does not complete 80 years on his 80th birthday but rather completes 79 years and enters the 80th year on that date and therefore denial of additional pension till the completion of 80 years would defeat the very object of the scheme. Therefore, the expression "from 80 years" used in the Circular dated 03.08.2009 necessarily signifies the commencement of the 80th year and cannot be construed to mean the point of time after completion of 80 years. The Respondents/Writ Petitioners also urged that the stand taken by the State authorities resulted in the denial of additional pension for almost one full year, thereby defeating the very object of the welfare policy and causing grave prejudice to senior citizens who are dependent solely upon pension for their livelihood.

5. In support of their submissions before the learned single judge, the



respondents/writ petitioners relied upon the judgment of the Division Bench of Gauhati High Court in the case of *Virendra Dutt Gyani Vs. The Union of India and others in W.P. (C) No.4224/2016*, which was affirmed by the Supreme Court by order dated 08.07.2019, passed in *SLP (Civil) Diary No.18133/2019*, wherein a similar expression relating to age-based entitlement was interpreted to confer a benefit on entering the relevant age year.

6. Reliance was also placed upon several decisions rendered by Coordinate Benches of this Court in the case of *Om Prakash Saxena vs. State of M.P. and others* decided on 02.01.2023 in *W.P. No.7424 of 2022 (Gwalior Bench)*, *Sarvesh Chandra Sharma vs. Managing Director and others* decided on 19.07.2024 in *W.P. No.19295/2024 (Indore Bench)* wherein this Court had consistently held that entitlement to additional pension accrues on entering the specified age bracket and not on completion thereby settling the legal position.

7. The learned Single Judge, upon a detailed consideration of the Circular dated 03.08.2009 and relying on the precedents cited, held that the issue was no longer res integra and stood concluded by earlier binding decisions of this Court as well as by the judgment affirmed by the Hon'ble Apex Court. The learned Single Judge further held that the interpretation adopted by the State authorities was contrary to the language, object and intent of the Circular and could not be sustained.

8. The Single Judge categorically held that the writ petitioners were entitled to the benefit flowing from Clause 1.3 of the Circular dated



03.08.2009 and consequently allowed the writ petitions and issued directions for grant of 20% additional pension from the first day of the 80th year to the eligible petitioners and wherever applicable for grant of 30% additional pension on entering the 85th year and above. The learned Single Judge also directed payment of arrears and interest in some cases, taking note of the prolonged and unjustified delay in extending the benefit to aged pensioners.

9. Aggrieved by the aforesaid orders passed by the learned Single Judge allowing the writ petitions and issuing directions for the grant of additional pension along with consequential benefits, the State and its authorities have preferred the present writ appeals.

Submission of Appellants

10. Shri Sudip Bhargawa, learned Deputy Advocate General appearing for the appellants/State Government submitted that the Single Judge has erred while allowing the petitions by giving a wrong interpretation of Clause 1.3 of the Circular dated 03.08.2009, which is contrary to its plain language and the administrative intent underlying the policy. Learned Deputy Advocate General submitted that the learned Single Judge has failed to appreciate that the benefit of an additional quantum of pension is payable only after completion of the prescribed age and not upon entry into the corresponding age year. If such an analogy is to be taken into consideration, then all government employees would be retired after crossing the age of 59 years or upon entering into age of 60 years.

11. Learned Deputy Advocate General also submitted that Clause 1.3 of the Circular specifically provides that the additional pension shall be



payable from the month following the month in which the qualifying age is attained. It is submitted that "attainment" of the age of 80 years necessarily implies completion of 80 years and not mere entry into the 80th year.

12. Learned Deputy Advocate General further submitted that importing principles applicable to other statutory regimes, including the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2009, which operate in a distinct statutory field is totally erroneous and thus cannot be relied upon for interpreting the pension circular of the State Government. An ambiguity existed in the rules, which was under consideration in the Justice V.G. Gyani matter (supra), and has been corrected by amending the statute by the Central Government, as submitted by the Learned Deputy Advocate General.

13. It is submitted that the Finance Department had, from time to time, issued clarificatory circulars to remove any ambiguity regarding the date from which additional pension becomes payable. Reliance is placed on the Circular dated 06.05.2011, whereby it was clarified that additional pension is payable only from the month succeeding the month in which the prescribed age is completed. Learned Deputy Advocate General also drew attention to the revised clarification issued vide letter dated 21.02.2025, wherein illustrative examples were furnished to demonstrate that if the date of birth of a pensioner falls between two dates in a month, the entitlement would arise only from the succeeding month after completion of the prescribed age.

14. Learned Deputy Advocate General submitted that the Central Government Circular dated 02.09.2008, as well as the subsequent



clarification dated 18.10.2024, adopt a similar approach, providing that additional pension is payable only after completion of 80 years of age, thus showing that the policy of the State Government is aligned with the framework of the Central Government. Learned Deputy Advocate General lastly submitted that the liberal interpretation adopted would result in extending the benefit earlier than contemplated by the policy, thereby causing substantial financial implications for the State exchequer, and thus prayed that their appeals be allowed.

Submission of Respondents/ writ petitioners

15. Learned counsel appearing for the respondents/writ petitioners supported the impugned orders and submitted that the issue of interpretation of the expression "from 80 years" has been consistently settled by various decisions of this court as well as other high courts and has attained finality therefore the State authorities cannot be allowed to repeatedly reagitate the same issue by filing successive writ appeals.

16. Learned counsel appearing for all the petitioners submitted that pension is a deferred portion of compensation for services rendered and schemes relating to pensionary benefits must receive a beneficial and liberal interpretation, and if the interpretation suggested by the State is followed, it would result in an artificial and unjust denial of benefits for almost an entire year which was never the intention of the policy. Learned counsel submitted that executive clarifications issued subsequent to judicial interpretation cannot override or nullify the effect of binding judicial pronouncements. Learned counsel further submitted that many of the writ petitioners are



advanced in age and the denial of additional pension has caused them undue hardship, and prayed that the appeal be dismissed and that the authorities be directed to release the benefits due under the Circular dated 03.08.2009.

Appreciations and Conclusion

17. We have heard learned counsel for the parties and perused the record.

18. The Finance Department, Government of Madhya Pradesh, vide circular dated 03.08.2009 (Annexure A-2) revised the pay scale of officers/employees with effect from 01.01.2006 vide Finance Department's Notification No. F8/2009R/IV dated 28.02.2009, and also revised the pension/family pension of the pensioners retired/died before 01.01.2006. By Clause 1.3, the additional pension payable to old pensioners/family pensioners was described in a table. Clause 1.3 is reproduced below:-

"1.3 The additional pension payable to old pensioners/family pensioners shall be as per the table given below:-

Age of Pensioner/Family pension	Additional Pension
80 years to less than 85 years	20% of the basic pension/family pension
85 years to less than 90 years	30% of the basic pension/family pension
90 years to less than 95 years	40% of the basic pension/family pension
95 years to less than 100 years	50% of the basic pension/family pension
100 years or above	100% of basic pension/family pension

19. As per aforesaid table, the 20% of basic pension/family pension would be paid to pensioner/family pensioner, who has completed the age of 80 years, but not completed 85 years and as per 2nd slab, 30% of basic pension/family pension would be paid to those pensioner/family pensioner, who are between 85 years and less than 90 years. The word "less than 85 years" is mentioned because the pension would be paid an additional pension



on attaining the age of 80, but not crossing the age of 85 years, and after completion of 85 years, from the next day/month, the pensioner would go into the slab of additional pension @ 30% of the basic pension/family pension. In the said circular, it has been specifically clarified that the benefit of additional pension shall be paid next to the month in which the qualifying age is attained. The qualifying age is 80 years, 85 years, 90 years, 95 years and 100 years to get an additional pension @ 20%, 30%, 40%, 50% and 100% respectively.

20. Thereafter, vide letter dated 6th May, 2010 (Annexure A-3), the Finance Department further clarified that in those cases where the date of birth is not mentioned and only age is written, then the family pension will be paid after completion of 80 years, 85 years as the case may be. The State Government further clarified vide circular dated 21.02.2025 (Annexure A-4) that the entitlement to get the additional pension shall be paid from the next month after attaining the prescribed age.

21. Apart from that, the Central Government also vide circular dated 02.09.2008 (Annexure A-5) directed to pay additional pension only after completion of 80 years. Recently vide circular dated 18.10.2024 (Annexure A-6), the Central Government has also specified that the grant of additional pension is only after completion of 80 years of age.

22. Learned counsel appearing for the respondent placed reliance on the judgment passed by the Division Bench of this Court in the case of *State of Madhya Pradesh Vs. Om Prakash Saxena* in *Writ Appeal No. 745 of 2023* dated 19.06.2023. In the said judgment, looking to the age of the pensioner



i.e 80 years, the Division Bench of this Court declined to quash the order passed by the writ court and left the question of law open. Learned Counsel for the petitioner also placed reliance on a judgment passed in the case of *Union of India Vs. Retired Justice Virendra Dutt Gyani* reported in 2019 *SCC Online SCC 2108*. The aforesaid judgment was passed under the unamended Act of the High Court and Supreme Court Judges (Salaries and Conditions of Service) Act, 1954. Thereafter, vide notification dated 18.12.2021, the Ministry of Law and Justice has inserted an explanation that any entitlement of additional quantum or pension shall be from the first date of the month in which the pensioner or family pensioner completes the age specified in the first column of the scale. Therefore, the writ court has wrongly granted the additional pension @ 20% only upon entering into the 80th year of age, i.e., before completion of 80 years. If this logic is applied in the case of retirement, then the employee/officers would be retired before even attaining the age of superannuation. Therefore, it can safely be held that the additional pension @ 20% and 30% are liable to be paid only after completion of 80 years and 85 years of age, not before. Hence, these writ appeals are allowed, and order passed by the writ court are set aside, and writ petitions are dismissed.

(VIVEK RUSIA)
JUDGE

(HIMANSHU JOSHI)
JUDGE