



1

WP-26634-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SURESH KUMAR KAIT,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 28th OF MARCH, 2025

WRIT PETITION No. 26634 of 2024

SURESH KUMAR SAHU AND OTHERS

Versus

*MADHYA PRADESH POORVA KSHETRA VIDYUT VITRAN
COMPANY LIMITED AND OTHERS*

.....
Appearance:

Shri Rajneesh Gupta - Advocate for petitioners.

Shri Anubhav Jain - Government Advocate for respondents/State.
.....

ORDER

Per. Hon'ble Shri Justice Suresh Kumar Kait, Chief Justice

1. Grievance of the petitioners in this writ petition is with regard to grant of annual increment which became due on completion of one year's service before attaining the age of superannuation. The petitioners or the employees whose widows/legal heirs have approached this Court, have retired from service on 30th June of the year of their superannuation. It is their case that they have not been extended the benefit of increment which otherwise became due to them on 1st July of the same year, as the case may be. Hence, these petitions have been filed.

2. Learned counsel for the petitioners has placed reliance upon the judgment of the Supreme Court in the case of Director (ADMN) and HR



KPTCL v. C.P. Mundinamani, 2023 SCC OnLine SC 401, wherein it is held that the entitlement to receive annual increment crystallises when the Government servant completes a requisite length of service with good conduct and becomes payable on the succeeding day. The Supreme Court further held that annual increment earned on the last day of service for rendering good service preceding one year from the date of retirement with good behaviour and efficiency was liable to be paid to the employees.

3. Circular dated 15.03.2024 issued by the Finance Department of the State of Madhya Pradesh has also been referred to, wherein all departments have been directed to grant annual increment to all the employees who have retired on 30th June with regard to annual increment that became payable on 1st July, as the case may be. Hence, it is prayed that the respondents may be directed to extend the pensionary benefits to the petitioners after adding annual increment from the due date along with arrears and interest thereon within a stipulated time.

4. Learned counsel for the State submits that the issue involved in the present petitions is covered by the said Circular and the same is being implemented and the cases are being scrutinized and processed accordingly.

5. Be that as it may, since petitioners/employees superannuated from service on 30th June as the case may be, they are entitled to get the annual increment on the succeeding day of their retirement i.e. on 1st of July, as the case may be.

6. That this Court following the judgment of the Supreme Court in the case of Rushibhai Jagdishchandra Pathak Vs. Bhavnagar Municipal



Corporation, 2022 SCC Online SC 641 had noticed that as there was delay in approaching the Court, the benefit of arrears was restricted to a period of three years immediately preceding the filing of the petition. However, the Supreme Court in respect of C.P. Mundinamani (supra) has clarified by order dated 06.09.2024 as further modified vide order dated 20.02.2025 in Miscellaneous Application (Diary) No.2400/2024 in Civil Appeal No. 3933/2023 titled Union of India & Another Vs. M. Siddaraj as under:

- “(a). The judgment dated 11.04.2023 will be given effect to in case of third parties from the date of the judgment, that is, the pension by taking into account one increment will be payable on and after 01.05.2023. Enhanced pension for the period prior to 31.04.2023 will not be paid.
- (b) For persons who have filed writ petitions and succeeded, the directions given in the said judgment will operate as res judicata, and accordingly, an enhanced pension by taking one increment would have to be paid.
- (c) The direction in (b) will not apply, where the judgment has not attained finality, and cases where an appeal has been preferred, or if filed, is entertained by the appellate court.
- (d) In case any retired employee filed an application for intervention/impleadment/writ petition/original application before the Central Administrative Tribunal/High Courts/this Court, the enhanced pension by including one increment will be payable for the period of three years prior to the month in which the application for intervention/ impleadment/ writ petition/ original application was filed.”

7. The Hon'ble Apex Court has held that the clause (d) will not apply to the retired Government employees who filed the petition / original application before the High Court or Tribunal after the judgment passed in case of Union of India and another V/s M. Siddaraj (passed on 19.05.2023 in Civil Appeal No.3933/2023) and in such cases clause (a) will apply. It has also been held that it will be open to any person aggrieved by non-compliance of the aforesaid directions to approach the concerned authorities



in the first instance and if required, the administrative Tribunal or the High Court as per law. The Government has been directed to examine the cases of the petitioner in terms of the aforesaid order passed on 20.02.2025 and comply with the same expeditiously.

8. In this view of the matter, in this case as there is a delay by the petitioners in approaching the Court, the benefit of arrears shall be restricted and shall be payable only w.e.f. 01.05.2023 along with interest @ 7% per annum as directed by the Supreme Court in the case of M. Siddaraj (supra).

9. Accordingly, the respondents are directed to grant the annual increment to the petitioners which became due to them on 1st of July of the year of their superannuation, as the case may be, with all consequential benefits in the above manner. Further, it is directed that the amount accrued in favour of the petitioners on account of annual increment be paid to them within a period of six weeks in accordance with the order of the Supreme Court dated 20.02.2025 passed in the case of M. Siddaraj (supra).

10. In view of the foregoing, writ petition is disposed of in the above terms.

(SURESH KUMAR KAIT)
CHIEF JUSTICE

(VIVEK JAIN)
JUDGE