

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
ACTING CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 27th OF JUNE, 2025

WRIT PETITION No. 34023 of 2024

RAM KUMAR DIXIT

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Adarsh Patel - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondent/State.
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WITH

WRIT PETITION No. 5592 of 2025

MURARI PRASAD MISHRA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Jitendra Arya - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondent/State.
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WRIT PETITION No. 17915 of 2025

BHAGWAN PRASAD SONKESARIA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Devesh Bhojne - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondent/State.
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WRIT PETITION No. 18391 of 2025

KUNWAR BAHADUR SINGH CHOUHAN

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Awadhesh Kumar Singh - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondent/State.
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WRIT PETITION No. 18555 of 2025

VIJAY SINGH SOLANKI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Hemant Kumar Bannarwar - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondent/State.
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WRIT PETITION No. 18576 of 2025

AASHARAM AVASHE

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Hemant Kumar Bannarwar - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondent/State.
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WRIT PETITION No. 19137 of 2025

PREM CHAND SHRIVAS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Rajnish Kumar Pandey - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondent/State.
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WRIT PETITION No. 19176 of 2025

SMT. SUNITA JAIN

Versus

STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Rajnish Kumar Pandey - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondent/State.

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WRIT PETITION No. 19384 of 2025

VISHNU RAO DESHMUKH

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Ajeet Kumar Singh - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondent/State.

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WRIT PETITION No. 19784 of 2025

MIRKHURAM PRAJAPATI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Shravan Kumar Rao - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondent/State.

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WRIT PETITION No. 20073 of 2025

GANESH PRASAD SONI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....

Appearance:

Shri Ajeet Kumar Singh - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondent/State.

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WRIT PETITION No. 20782 of 2025

MAHESH KUMAR MALVIYA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Ms. Vandana Tripathi - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondent/State.

WRIT PETITION No. 20785 of 2025

LAXMAN BOBDE

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Ms. Vandana Tripathi - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondent/State.

WRIT PETITION No. 21134 of 2025

DAYARAM RAJAK

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Bhupendra Kumar Mishra - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondent/State.

WRIT PETITION No. 21135 of 2025

NEELMANI GAUTAM

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Sachin Shukla - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondent/State.

WRIT PETITION No. 21138 of 2025

NARESH KUMAR SHRIVASTAVA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Manoj Kumar Mishra - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondent/State.

WRIT PETITION No. 21186 of 2025

JETHU PRASAD THAKUR
Versus
THE STATE OF MP AND OTHERS

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Appearance:

Shri Manoj Kumar Mishra - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondent/State.
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WRIT PETITION No. 21209 of 2025

SMT. MEERA DEVI MISHRA
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Shakti Kumar Soni - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondent/State.
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WRIT PETITION No. 21212 of 2025

DAMODAR KOSHTA
Versus
THE STATE OF MP AND OTHERS

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Appearance:

Shri Shakti Kumar Soni - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondent/State.
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WRIT PETITION No. 21233 of 2025

TULA RAM PATEL AND OTHERS
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Shakti Kumar Soni - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondent/State.
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WRIT PETITION No. 21237 of 2025

RAMESH METKARKAR
Versus

CHIEF ENGINEER AND OTHERS

Appearance:

Shri Shakti Kumar Soni - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondent/State.

WRIT PETITION No. 21244 of 2025

BAL RAM SANODIYA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Shakti Kumar Soni - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondent/State.

WRIT PETITION No. 21247 of 2025

ANAND KUMAR BAJPAI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Shakti Kumar Soni - Advocate for petitioner.

Dr. S.S. Chouhan - Government Government Advocate for respondent/State.

WRIT PETITION No. 21265 of 2025

PRADEEP METKAR

Versus

STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Shakti Kumar Soni - Advocate for petitioner.

Dr. S.S. Chouhan - Government Government Advocate for respondent/State.

WRIT PETITION No. 21268 of 2025

VAIDEHI PRASAD SHARMA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Satya Prakash Mishra - Advocate for petitioner.

Dr. S.S. Chouhan - Government Government Advocate for respondent/State.

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WRIT PETITION No. 21271 of 2025

OMKAR PRASAD SHRIVASTAVA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Shakti Kumar Soni - Advocate for petitioner.

Dr. S.S. Chouhan - Government Government Advocate for respondent/State.

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WRIT PETITION No. 21272 of 2025

LAKHAN LAL DHANYA

Versus

STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Shakti Kumar Soni - Advocate for petitioner.

Dr. S.S. Chouhan - Government Government Advocate for respondent/State.

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WRIT PETITION No. 21275 of 2025

SUSHIL KUMAR MISHRA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Shakti Kumar Soni - Advocate for petitioner.

Dr. S.S. Chouhan - Government Government Advocate for respondent/State.

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WRIT PETITION No. 21437 of 2025

P.D. TIWARI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Rajmani Mishra - Advocate for petitioner.

Dr. S.S. Chouhan - Government Government Advocate for respondent/State.

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WRIT PETITION No. 21564 of 2025

RAM MILAN RAI

Versus

*THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL
SECRETARY DEPARTMENT OF LAW AND LEGISLATIVE AFFAIRS
V AND OTHERS*

.....

Appearance:

Shri Santosh Kumar Tiwari - Advocate for petitioner.

Dr. S.S. Chouhan - Government Government Advocate for respondent/State.

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WRIT PETITION No. 21587 of 2025

BASANT SINGH BAGHEL

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Neetesh Kumar Singh - Advocate for petitioner.

Dr. S.S. Chouhan - Government Government Advocate for respondent/State.

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WRIT PETITION No. 21715 of 2025

SHIVNATH PRASAD VERMA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Bal Krishna Mishra - Advocate for petitioner.

Dr. S.S. Chouhan - Government Government Advocate for respondent/State.

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WRIT PETITION No. 21826 of 2025

RAMESH KUMAR SHARMA AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Hemant Kumar Bhannarwar - Advocate for petitioner.

Dr. S.S. Chouhan - Government Government Advocate for respondent/State.

WRIT PETITION No. 21892 of 2025

SMT. SHAHEDA SAYYED

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Ashok Kumar Gupta - Advocate for petitioner.

Dr. S.S. Chouhan - Government Government Advocate for respondent/State.

WRIT PETITION No. 21907 of 2025

RAMPRASAD BADHAI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Shrikant Shrivastava - Advocate for petitioner.

Dr. S.S. Chouhan - Government Government Advocate for respondent/State.

WRIT PETITION No. 21945 of 2025

SMT. SUMITRA DEVI SATNAMI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Anshul Tiwari - Advocate for petitioner.

Dr. S.S. Chouhan - Government Government Advocate for respondent/State.

WRIT PETITION No. 22323 of 2025

KRISHNA KAMAL SINGANDUPE

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Pawan Kawre - Advocate for petitioner.

Dr. S.S. Chouhan - Government Government Advocate for respondent/State.

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WRIT PETITION No. 22621 of 2025

VISHNU DATT SHARMA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Vidya Prasad - Advocate for petitioner.

Dr. S.S. Chouhan - Government Government Advocate for respondent/State.

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WRIT PETITION No. 23307 of 2025

RAMESH DEOSA LOTE

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Bhupendra Kumar Mishra - Advocate for petitioner.

Dr. S.S. Chouhan - Government Government Advocate for respondent/State.

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ORDER

Per. Sanjeev Sachdeva, Acting Chief Justice

In all these writ petitions, a common question of fact and law is involved and therefore, they are heard analogously and disposed of by this common order.

2. A common grievance of the petitioners in this batch of writ petitions is with regard to grant of annual increment which became due on completion of one year's service before attaining the age of superannuation. In some of the cases, the petitioners or the employees whose widows/legal heirs have approached this Court, have retired from service on 30th June and while in others, they have retired on 31st December 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 or 1st January of the next year, as the case may be. Hence, these petitions have been filed.

3. Learned counsel for the petitioners have 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.

4. Reference may be had to the circular dated 15.03.2024 issued by the Finance Department of the State of Madhya Pradesh, wherein all departments have been directed to grant annual increment to all the employees who have retired on 30th June / 31st December with regard to annual increment that became payable on 1st July or 1st January, 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.

5. 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.

6. Be that as it may, since petitioners/employees superannuated from

7. 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:

(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.”

8. 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.

9. In this view of the matter, in the cases where 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 and in other cases, the arrears shall be payable from the date of their retirement, along with interest @ 7% per annum as directed by the Supreme Court in the case of *M. Siddaraj* (supra).

10. 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 or 1st of January of the succeeding year, 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)*.

11. In view of the foregoing, all these writ petitions are disposed of in the above terms.

(SANJEEV SACHDEVA)
ACTING CHIEF JUSTICE

(VINAY SARAF)
JUDGE

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