

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 25th OF JULY, 2025

WRIT PETITION No. 28101 of 2024

KADORE PRASAD BRAMHAN AND OTHERS

Versus

*MADHYAP RADESH POORVA KSHETRA VIDYUT VITRAN
COMPANY LIMITED AND OTHERS*

.....
Appearance:

Shri Rajneesh Gupta - Advocate for the petitioners.

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

WRIT PETITION No. 40365 of 2024

SARMAN KUMAR NAMDEO

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri J.P. Patel - Advocate for the petitioner.

Dr. S.S. Chouhan - Government Advocate for the respondent/State.
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WRIT PETITION No. 12619 of 2025

SANTOSH KUMAR SHUKLA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

*Shri Jitendra Kumar Dwivedi and Amilesh Chaturvedi - Advocates for the
petitioner.*

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

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WRIT PETITION No. 15566 of 2025

SMT KIRAN NEMA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....

Appearance:

Shri Ashish Vishwakarma - Advocate for the petitioner.

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

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WRIT PETITION No. 16799 of 2025

VISHESWAR PRASAD PATHAK AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....

Appearance:

Shri J.L. Mishra - Advocate for the petitioner.

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

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WRIT PETITION No. 19113 of 2025

KRISHAN KUMAR PATEL AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Ajeet Kumar Singh - Advocate for the petitioners.

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

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WRIT PETITION No. 21764 of 2025

AWADHESH KUMAR JHA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Bholenath Sharma and Shri K.K. Katore - Advocates for the petitioner.

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

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WRIT PETITION No. 22034 of 2025

GANGA SAGAR MISHRA AND OTHERS
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri K.D. Singh - Advocate for the petitioner.

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

WRIT PETITION No. 22195 of 2025

RAJARAM TIWARI
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri R.P. Mishra - Advocate for the petitioner.

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

WRIT PETITION No. 23061 of 2025

KAILASH CHANDRA PARSAI
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Rajnish Kumar Pandey - Advocate for the petitioner.

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

WRIT PETITION No. 23089 of 2025

SMT. JAIDEVI PARSAI
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Rajnish Kumar Pandey - Advocate for the petitioner.

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

WRIT PETITION No. 23313 of 2025

DR. G.R. MAKAN

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Sandeep Kostha - Advocate for the petitioner.

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

WRIT PETITION No. 23443 of 2025

DR. BHARAT LAL KAMLE

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Anshul Tiwari - Advocate for the petitioner.

Dr. S.S. Chouhan - Government Advocate for the respondent/State.
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WRIT PETITION No. 23471 of 2025

SAMANLAL PARETI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri S.D. Mishra - Advocate for the petitioner.

Dr. S.S. Chouhan - Government Advocate for the respondent/State.
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WRIT PETITION No. 23473 of 2025

GIRISH PATHAK

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri S.D. Mishra - Advocate for the petitioner.

Dr. S.S. Chouhan - Government Advocate for the respondent/State.
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WRIT PETITION No. 23837 of 2025

SMT. GEETA MISHRA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri K.K. Dwivedi - Advocate for the petitioner.

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

.....

WRIT PETITION No. 23839 of 2025

BESAHU LAL GUPTA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri K.K. Dwivedi - Advocate for the petitioner.

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

.....

WRIT PETITION No. 23904 of 2025

GORELAL NAMDEO

Versus

COMMISSIONER COOPERATION AND REGISTRAR AND OTHERS

.....
Appearance:

Shri R.B. Dubey - Advocate for the petitioner.

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

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WRIT PETITION No. 23909 of 2025

KAMTA PRASAD GUPTA AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri R.B. Dubey - Advocate for the petitioner.

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

.....

WRIT PETITION No. 24197 of 2025

HARI SINGH GURJAR

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....

Appearance:

Shri Hemant Kumar Bhannarwar - Advocate for the petitioner.

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

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WRIT PETITION No. 24344 of 2025

RAJENDRA SINGH

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....

Appearance:

Shri Ajeet Kumar Singh - Advocate for the petitioner.

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

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WRIT PETITION No. 24371 of 2025

MAHADEV DONGRE

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....

Appearance:

Shri Jitendra Arya - Advocate for the petitioner.

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

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WRIT PETITION No. 24559 of 2025

RAMDAS SHARMA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Rajneesh Kumar Verma - Advocate for the petitioner.

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

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WRIT PETITION No. 24591 of 2025

SHRIKANT SHUKLA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Devraj Vishwakarma - Advocate for the petitioner.

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

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WRIT PETITION No. 24634 of 2025

SURESH PRASAD SHUKLA AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....

Appearance:

Shri S.P. Mishra - Advocate for the petitioners.

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

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WRIT PETITION No. 24666 of 2025

YOGENDRA SINGH PARIHAR

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....

Appearance:

Dr. Anuvad Shrivastava - Advocate for the petitioner.

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

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WRIT PETITION No. 25017 of 2025

NANDRAM MESHRAM

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Anshul Tiwari - Advocate for the petitioner.

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

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WRIT PETITION No. 25041 of 2025

BABU LAL TIWARI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Amit Kumar Bajpai - Advocate for the petitioner.

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

WRIT PETITION No. 25405 of 2025

ASHIMA JHA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Kumaresh Pathak - Advocate for the petitioner.

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

WRIT PETITION No. 25595 of 2025

NARENDRA SINGH CHOUHAN

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Raja Bhaiya Tiwari - Advocate for the petitioner.

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

WRIT PETITION No. 26109 of 2025

SHRI VIRENDRA PARATAP SINGH SENGAR

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Kapil Sharma - Advocate for the petitioner.

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

WRIT PETITION No. 26127 of 2025

SMT.GEETA PETHE AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri U.S. Jayaswal - Advocate for the petitioners.

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

WRIT PETITION No. 26192 of 2025

SHRI PREETAM LAL PATEL

Versus

MP PURVA KSHETRA VIDYUT VITRAN CO LTD AND OTHERS

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Appearance:

Shri Ashish Kumar Kurmi - Advocate for the petitioner.

Dr. S.S. Chouhan - Government Advocate for the respondent/State.
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WRIT PETITION No. 26223 of 2025

PURUSHOTTAM LAL HARDAHA

Versus

THE STATE OF MP AND OTHERS

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Appearance:

Shri Ashish Vishwakarma - Advocate for the petitioner.

Dr. S.S. Chouhan - Government Advocate for the respondent/State.
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WRIT PETITION No. 26224 of 2025

RAJA RAM BHALAVE

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Ashish Vishwakarma - Advocate for the petitioner.

Dr. S.S. Chouhan - Government Advocate for the respondent/State.
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WRIT PETITION No. 26231 of 2025

YUVRAJ DAHATE

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Bhole Nath Sharma - Advocate for the petitioner.

Dr. S.S. Chouhan - Government Advocate for the respondent/State.
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WRIT PETITION No. 26232 of 2025

AMMU LAL GOHIYA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Ashish Vishwakarma - Advocate for the petitioner.

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

WRIT PETITION No. 26292 of 2025

DR RAM KRIPAL CHAURASIYA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Rudra Pratap Dwivedi - Advocate for the petitioner.

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

WRIT PETITION No. 26363 of 2025

SMT. NEELMA SONI AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri H.C. Singh - Advocate for the petitioner.

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

WRIT PETITION No. 26458 of 2025

YOGENDRA KUMAR BAJPAI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Satyendra Jyotishi - Advocate for the petitioner.

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

WRIT PETITION No. 26647 of 2025

RADHESHYAM TRIPATHI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:*Shri Devraj Vishwarkarma - Advocate for the petitioner.**Dr. S.S. Chouhan - Government Advocate for the respondent/State.*WRIT PETITION No. 26928 of 2025*CHITRANJANDAS SURESHWAR**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*Appearance:*Shri Ashish Vishwakarma - Advocate for the petitioner.**Dr. S.S. Chouhan - Government Advocate for the respondent/State.*WRIT PETITION No. 27024 of 2025*BHAIYA LAL JAIN AND OTHERS**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*Appearance:*Shri Neeraj Jain - Advocate for the petitioners.**Dr. S.S. Chouhan - Government Advocate for the respondent/State.*WRIT PETITION No. 27058 of 2025*YASHWANT SINGH RAJPUT**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*Appearance:*Shri Rahul Mishra - Advocate for the petitioner.**Dr. S.S. Chouhan - Government Advocate for the respondent/State.*WRIT PETITION No. 27327 of 2025*RAMAKANT DWIVEDI**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*Appearance:

Shri Nitya Nand Mishra - Advocate for the petitioner.

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

WRIT PETITION No. 27336 of 2025

RIYAZ AHMED

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Rizwan Khan - Advocate for the petitioner.

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

WRIT PETITION No. 27438 of 2025

RISHI KUMAR G PANDEY

Versus

THE UNION OF INDIA AND OTHERS

Appearance:

Shri Vidya Prasad - Advocate for the petitioner.

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

WRIT PETITION No. 27471 of 2025

RAMGOPAL VISHWAKARMA

Versus

STAT OF M.P. AND OTHERS

Appearance:

Shri Anshul Tiwari - Advocate for the petitioner.

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

WRIT PETITION No. 27794 of 2025

MEENA UPADHYAY AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Rohit Mishra - Advocate for the petitioner.

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

WRIT PETITION No. 28210 of 2025

IRFAN KHAN

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri D.K. Khare - Advocate for the petitioner.

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

WRIT PETITION No. 28331 of 2025

HARPRASAD AHIRWAR

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Rameshwar Patel - Advocate for the petitioner.

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

WRIT PETITION No. 28405 of 2025

SMT.SHAKUNTALA PAL

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Pramod Kumar Thakre - Advocate for the petitioner.

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

WRIT PETITION No. 28435 of 2025

VITTHARLRAO DESHMUKH AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Rajneesh Kumar Verma - Advocate for the petitioners.

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

ORDER

Per. Hon'ble Shri Justice Sanjeev Sachdeva, 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. Mundingamani*, 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 service on 30th June or 31st December 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 or 1st of January, as the case may be.

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. Muddinamani (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.”

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)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE