

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 3rd OF SEPTEMBER, 2025

WRIT PETITION No. 18165 of 2025

RAMAKANT TIWARI

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 Respondents/State.
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WITH

WRIT PETITION No. 19257 of 2025

SHEETAL PRASAD SHRIVASTAVA AND OTHERS

Versus

STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri R.B. Gautam - Advocate for Petitioner.

Shri Anubhav Jain - Government Advocate for Respondents/State.
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WRIT PETITION No. 25474 of 2025

MOHD YUNUS KHAN

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Arun Sharma - Advocate for Petitioner.

Shri Anubhav Jain - Government Advocate for Respondents/State.
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WRIT PETITION No. 25667 of 2025*GANESH AND OTHERS**Versus**CHIEF SECRETARY AND OTHERS*

Appearance:*Ms. Shivani Saini - Advocate for Petitioner.**Shri Anubhav Jain - Government Advocate for Respondents/State.*

WRIT PETITION No. 26228 of 2025*SUBHASH CHAND PATEL**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

Appearance:*Shri Ashish Vishwakarma - Advocate for Petitioner.**Shri Anubhav Jain - Government Advocate for Respondents/State.*

WRIT PETITION No. 29157 of 2025*BADAMI LAL YADAV**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

Appearance:*Shri Rajneesh Kumar Verma - Advocate for Petitioner.**Shri Anubhav Jain - Government Advocate for Respondents/State.*

WRIT PETITION No. 29971 of 2025*RAMSALONA PATEL AND OTHERS**Versus**THE PRINCIPAL SECRETARY DEPARTMENT OF FOREST AND
OTHERS*

Appearance:*Shri Sachindra Kumar Raghuwanshi - Advocate for Petitioner.*

Shri Anubhav Jain - Government Advocate for Respondents/State.

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WRIT PETITION No. 30239 of 2025

*LATE DHANRAJ SILAWAT S/O BALIRAM SILAWAT THROUGH LRS
KHIMIYA SILAWAT*

Versus

THE STATE OF M.P. AND OTHERS

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Appearance:

Shri Sudeep Singh Saini - Advocate for Petitioner.

Shri Anubhav Jain - Government Advocate for Respondents/State.

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WRIT PETITION No. 31464 of 2025

RAJENDRA KUMAR SHARMA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri S.K. Soni - Advocate for Petitioner.

Shri Anubhav Jain - Government Advocate for Respondents/State.

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WRIT PETITION No. 32039 of 2025

RAMSWAROOP PANDAY

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Rudra Pratap Dwivedi - Advocate for Petitioner.

Shri Anubhav Jain - Government Advocate for Respondents/State.

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WRIT PETITION No. 32402 of 2025

OMPRAKASH DUBEY

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Shailendra Verma - Advocate for Petitioner.

Shri Anubhav Jain - Government Advocate for Respondents/State.

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WRIT PETITION No. 32697 of 2025

SABIR HASAN AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Akhand Pratap Patel - Advocate for Petitioner.

Shri Anubhav Jain - Government Advocate for Respondents/State.

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WRIT PETITION No. 32750 of 2025

BHAWATI BAI SAHU

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Jitendra Kumar Sharma - Advocate for Petitioner.

Shri Anubhav Jain - Government Advocate for Respondents/State.

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WRIT PETITION No. 32757 of 2025

AMRIT LAL PATEL

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Jitendra Kumar Sharma - Advocate for Petitioner.

Shri Anubhav Jain - Government Advocate for Respondents/State.

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WRIT PETITION No. 32761 of 2025

JAI CHAND BISEN

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Rizwan Khan - Advocate for Petitioner.

Shri Anubhav Jain - Government Advocate for Respondents/State.

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WRIT PETITION No. 32882 of 2025

POORAN LAL AHIRWAR

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Neeraj Jain - Advocate for Petitioner.

Shri Anubhav Jain - Government Advocate for Respondents/State.

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WRIT PETITION No. 32937 of 2025

R K. SINGH

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Rajendra Pratap Singh - Advocate for Petitioner.

Shri Anubhav Jain - Government Advocate for Respondents/State.

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WRIT PETITION No. 33013 of 2025

GANDU LAL SEN

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Dharendra Kumar Khare - Advocate for Petitioner.

Shri Anubhav Jain - Government Advocate for Respondents/State.

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WRIT PETITION No. 33266 of 2025

RAJ BAHOR MISHRA AND OTHERS

Versus

*JAWAHAR LAL NEHRU AGRICULTURAL UNIVERSITY ADHARTAL
JABALPUR AND OTHERS*

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Appearance:

Shri Akhand Pratap Patel - Advocate for Petitioners.

Shri Anubhav Jain - Government Advocate for Respondents/State.

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WRIT PETITION No. 33286 of 2025

MADANLAL LUHAR

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Dinesh Kumar Upadhyay - Advocate for Petitioner.

Shri Anubhav Jain - Government Advocate for Respondents/State.

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WRIT PETITION No. 33346 of 2025

RAJESH KUMAR DUBEY

Versus

MUNICIPAL CORPORATION SAGAR AND OTHERS

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Appearance:

Shri Kamlesh Singh Rajput - Advocate for Petitioner.

Shri Anubhav Jain - Government Advocate for Respondents/State.

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WRIT PETITION No. 33884 of 2025

AYODHYA PRASAD SISODIYA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Raja Bhaiya Tiwari - Advocate for Petitioner.

Shri Anubhav Jain - Government Advocate for Respondents/State.

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WRIT PETITION No. 33886 of 2025

LAXMI PRASAD SIHOTIYA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Raja Bhaiya Tiwari - Advocate for Petitioner.

Shri Anubhav Jain - Government Advocate for Respondents/State.

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WRIT PETITION No. 33888 of 2025

BANWARI LAL TIWARI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Raja Bhaiya Tiwari - Advocate for Petitioner.

Shri Anubhav Jain - Government Advocate for Respondents/State.

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WRIT PETITION No. 34196 of 2025

MOHAMMAD RASID KHAN

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Amit Kumar Chaturvedi - Advocate for Petitioner.

Shri Anubhav Jain - Government Advocate for Respondents/State.

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WRIT PETITION No. 34203 of 2025

UMESH KUMAR CHAURASIA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Amit Kumar Chaturvedi - Advocate for Petitioner.

Shri Anubhav Jain - Government Advocate for Respondents/State.

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WRIT PETITION No. 34226 of 2025

ASHOK KUMAR SHRIVATAVA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Amit Kumar Chaturvedi - Advocate for Petitioner.

Shri Anubhav Jain - Government Advocate for Respondents/State.

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WRIT PETITION No. 34272 of 2025

ANANT NARAYAN KHARE

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Amit Kumar Chaturvedi - Advocate for Petitioner.

Shri Anubhav Jain - Government Advocate for Respondents/State.

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WRIT PETITION No. 34904 of 2025

GEETA SHAHANI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Ms Shefali Jain - Advocate for Petitioner.

Shri Anubhav Jain - Government Advocate for Respondents/State.

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WRIT PETITION No. 35012 of 2025

LALCHAND KANOJIYA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Rahul Mishra - Advocate for Petitioner.

Shri Anubhav Jain - Government Advocate for Respondents/State.

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WRIT PETITION No. 35177 of 2025

SMT. SAVITRI TIWARI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Ashish Rawat - Advocate for Petitioner.

Shri Anubhav Jain - Government Advocate for Respondents/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. 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.”

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 petitioners 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

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