

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 24th OF NOVEMBER, 2025

WRIT PETITION No. 23801 of 2025

PYARELAL VISHWAKARMA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Shiv Shankar Tripathi - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondents/State.

.....
WITH

WRIT PETITION No. 36466 of 2025

ARVINDER SINGH JOLLY

Versus

THE DIRECTOR AND OTHERS

.....
Appearance:

Shri Vidya Prasad - Advocate for petitioner.

Shri Piyush Bhatnagar - Advocate for respondents.

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WRIT PETITION No. 40008 of 2025

RAJMANI PATEL

Versus

THE COMMANDANT AND OTHERS

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Appearance:

Shri Dharendra Kumar Rajak - Advocate for petitioner.

Ms. Priti Singh - Advocate for respondents.

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WRIT PETITION No. 40390 of 2025

DEVENDRA SINGH PARMAR

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 respondents/State.
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WRIT PETITION No. 40395 of 2025

SUDHIR KUMAR

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 respondents/State.
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WRIT PETITION No. 41038 of 2025

PREM NARAYAN VISHWAKARMA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Ashish Kumar Kurmi - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondents/State.
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WRIT PETITION No. 41857 of 2025

H.N SAXENA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Rahul Kurmi - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondents/State.
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WRIT PETITION No. 42279 of 2025

CHHAYA KHARE

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Ayur Jain - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondents/State.
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WRIT PETITION No. 42388 of 2025

RAMLAL DWIVEDI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS
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Appearance:

Shri Saurabh Verma - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondents/State.
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WRIT PETITION No. 42477 of 2025

BANSHI DAS

Versus

THE COMMANDANT AND OTHERS
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Appearance:

Shri Dharendra Kumar Khare - Advocate for petitioner.

Shri Piyush Bhatnagar - Advocate for respondents.
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WRIT PETITION No. 42489 of 2025

P. R. TIWARI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS
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Appearance:

Shri Praveen Dubey - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondents/State.
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WRIT PETITION No. 42592 of 2025

TEKCHAND VISHWAKARMA AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS
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Appearance:

Ms. Gunjan Naik - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondents/State.

WRIT PETITION No. 43152 of 2025

BADRI PRASAD SHUKLA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Ms. Vandana Tripathi - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondents/State.

WRIT PETITION No. 43219 of 2025

DEVENDRA KUMAR JAIN

Versus

UNION OF INDIA AND OTHERS

Appearance:

Shri K. V.S. Sunil Rao - Advocate for petitioner.

Shri S.M. Guru - Deputy Solicitor General with Shri Piyush Bhatnagar - Advocate for respondents.

WRIT PETITION No. 43235 of 2025

KAMLESH PRASAD MEHRA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Mohanlal Sharma and Shri Arun Sharma - Advocates for petitioner.

Shri Anubhav Jain - Government Advocate for respondents/State.

WRIT PETITION No. 43241 of 2025

PAWAN KUMAR PANDEY

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Bal Krishna Mishra - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondents/State.

WRIT PETITION No. 43349 of 2025*BHOPAL SINGH PATEL AND OTHERS**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

Appearance:*Shri S.K. Raghuwanshi - Advocate for petitioner.**Shri Anubhav Jain - Government Advocate for respondents/State.*

WRIT PETITION No. 43371 of 2025*RAMKUMAR RAJNEGI**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

Appearance:*Shri D.K. Khare - Advocate for petitioner.**Shri Anubhav Jain - Government Advocate for respondents/State.*

WRIT PETITION No. 43498 of 2025*RAMSEVAK TIWARI**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

Appearance:*Shri Parag Tiwari - Advocate for petitioner.**Shri Anubhav Jain - Government Advocate for respondents/State.*

WRIT PETITION No. 43850 of 2025*SMT. RASHMI SHUKLA**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

Appearance:*Shri Rajesh Kumar Tiwari - Advocate for petitioner.**Shri Anubhav Jain - Government Advocate for respondents/State.*

WRIT PETITION No. 43854 of 2025

SMT USHA SHRIVASTAVA
Versus
THE COMMISSIONER AND OTHERS

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Appearance:

Shri Anoop Kumar Shrivastava - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondents/State.
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WRIT PETITION No. 43867 of 2025

SHER SINGH THAKUR
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Ajay Kumar Mishra - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondents/State.
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WRIT PETITION No. 44045 of 2025

SATANANDAN DUBEY
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Akhilesh Singh - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondents/State.
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WRIT PETITION No. 44064 of 2025

VINOD KUMAR JATAV (VERMA)
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Ms. Warija Ghildiyal - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondents/State.
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WRIT PETITION No. 44102 of 2025

NAZMUNNISA NAAZ
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Dharmendra Kumar Kaurab - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondents/State.
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WRIT PETITION No. 44116 of 2025

CHANDRAKANT VERMA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS
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Appearance:

Shri Mohanlal Sharma and Shri Arun Sharma - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondents/State.
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WRIT PETITION No. 44344 of 2025

RAMDEEN SUNESH

Versus

THE PRINCIPAL SECRETARY AND OTHERS
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Appearance:

Shri Sachin Pandey - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondents/State.
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WRIT PETITION No. 44447 of 2025

SHRI ALOPI YADAV

Versus

THE STATE OF MADHYA PRADESH AND OTHERS
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Appearance:

Shri Ashutosh Dharpure - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondents/State.
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WRIT PETITION No. 44585 of 2025

SATYANARYAN BAIRAGI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS
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Appearance:

Shri Mukesh Agrawal and Shri Shahazad Ahmed Shah - Advocates for petitioner.

*Shri Anubhav Jain - Government Advocate for respondents/State.
Shri Sandeep Kumar Shukla- Advocate for respondents No.2 and 3.*

WRIT PETITION No. 44774 of 2025

NAND RAM PATEL

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Neeraj Jain - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondents/State.

WRIT PETITION No. 44932 of 2025

SUKHVEER PRAJAPATI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Shiv Shankar Tripathi - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondents/State.

WRIT PETITION No. 44973 of 2025

MUNNI JAIN AND OTHERS

Versus

THE CHIEF SECRETARY AND OTHERS

Appearance:

Shri Sudeep Singh Saini - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondents/State.

WRIT PETITION No. 45089 of 2025

CHANDRAKANT GARGE

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Ajeet Kumar Singh - Advocate for petitioner.

Shri Anubhav Jain - Government Advocate for respondents/State.

WRIT PETITION No. 45325 of 2025*SHAIENDRA KUMAR CHOUBEY**Versus**COMMISSIONER MADHYA PRADESH AND OTHERS*Appearance:*Shri Ashok Kumar Gupta - Advocate for petitioner.**Shri Anubhav Jain - Government Advocate for respondents/State.*WRIT PETITION No. 45370 of 2025*BHARAT SINGH RAJPUT**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*Appearance:*Shri Atul Kumar Rai - Advocate for petitioner.**Shri Anubhav Jain - Government Advocate for respondents/State.*WRIT PETITION No. 45819 of 2025*SMT. NEELAM BHANDARI**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*Appearance:*Shri Nand Kumar Mishra - Advocate for petitioner.**Shri Anubhav Jain - Government Advocate for respondents/State.*WRIT PETITION No. 45821 of 2025*UDAY SINGH CHOUDHARY**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*Appearance:*Shri Nand Kumar Mishra - 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. Mundingamani (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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