

The High Court Of Madhya Pradesh

WP-18030-2019

(RAJENDRA PRASAD TIWARI Vs THE STATE OF MADHYA PRADESH)

4

Jabalpur, Dated : 03-12-2019

Shri Prashant Singh, learned senior counsel assisted by Shri Anshul Tiwari, learned counsel for the petitioner.

Shri Deepak Kumar Singh, learned Government Advocate for the respondents-State.

Heard.

The petitioner has filed this petition under Article 226 of the Constitution of India seeking following relief:

(i) To issue a writ in the nature of mandamus by directing the respondents to pay the annual increment fell due on 01.07.2015 to the petitioner.

(ii) To direct the respondents to pay the annual increment i.e. pay scale of 20440-5400 and arrears due from 01/07/2015 with interest of 6% per annum.

(iii) To grant any other relief, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case including cost of the litigation in favour of the petitioner.

On 30.09.2019, learned counsel for the respondents was granted time to seek instructions as to how the petitioner can be refused the benefit of grant of annual increment which is to be added on 1st of July of every year, but, no response has been filed.

The petitioner was retired from service w.e.f. 30.06.2015. The increment, which was to be granted on 1st of July, 2015 was denied to him on the ground that he retired on 30.06.2016 and was not in service on 1st of July, 2015.

Learned counsel for the petitioner has relied upon a decision of the Madras High Court in the case of *P. Ayyamperumal vs. The Registrar*,

Central Administrative Tribunal and others-WP No.15732/2017 decided on 15.09.2017, which was later on affirmed by the Supreme Court. Considering the law laid down by the Division Bench of the Madras High Court it is clear that the petitioner cannot be denied the increment which was due on 01.07.2015 merely because he got retired on 30.06.2015, since he has completed full years of service and was eligible to get the said increment. Since the case on which the petitioner is placing reliance is squarely covered with the case of the petitioner, nothing is required to be adjudicated in this petition.

Accordingly, the petition is allowed directing respondents to extend the benefit of annual increment to the petitioner which was due on 01.07.2015 and accordingly the retiral dues of the petitioner be revised and he be also paid arrears within a period of three months from submitting certified copy of this order.

Accordingly, this petition stands allowed and disposed of.

(SANJAY DWIVEDI)
JUDGE

RAGHVENDRA

