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Court : Madhya Pradesh

Decided On : Oct-10-2012

Appellant : Guru Prasad Sharma

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Narendra Nath Tripathi

Judgement :

Writ Petition No.16806/2012 10/10/2012 Shri Narendra Nath Tripathi, learned counsel for the petitioner.

Shri S.M.Lal, learned Govt.

Advocate, for the respondents-State on advance copy.

With the consent of learned counsel for parties heard finally.

Stating that the petitioner is also similarly placed person that of Dharam Pal Chaurasiya and otheRs.who have approached this Court by filing Writ Petition No.2858/2005 (S).which was disposed of finally vide order dated 23.11.2007 the petitioner is also entitled to be given the benefit of order passed by coordinate bench of this Court at Indore in W.P.No.6773/2006 (S) (Smt.

Prerna W/o Shri Promod Koranne versus State of M.P.& otheRs.decided on 26.1.2007, the petitioner has prayed for similar directions.

It is seen that the aforesaid writ petition was decided in the following manner: 17.

Consequently these petitions are allowed.

The petitioners are entitled to derive the benefit of second Kramonnati according to the terms and conditions mentioned in the circular dated 21/03/1983 19/4/1999, 02/11/2001 and 03/09/2005.

Accordingly, these petitions are disposed of with the following directions: Writ Petition No.16806/2012 (i) Clause-3 of policy dated 03/09/2005 fixing the cut of date 01/08/2003 to grant the benefit of second Kramonnati to the teachers is arbitrary, discriminatory, hence quashed.

(ii) Teachers of Education Department or Tribal Welfare Department held entitled to get the benefit of Kramonnati under the policy dated 21/03/1983, 19/04/1999 and 02/11/2001, in accordance with the terms and conditions as specified therein.

(iii) In view of the said directions, if the orders of recovery passed by the Government against petitioners are quashed, and if any amount is recovered from them for said reasons be refunded back to them within three months, with interest @ 6% per annum, on failure to comply the said directions within the aforesaid time, the interest @ 9% per annum will be levyable.

(iv) In some of the cases, the benefit of second Kramonnati has not been allowed to the petitioneRs.however, on due consideration of their cases, the respondents are directed to do the needful in accordance with the policy dated 21/03/1983, 19/04/1999, 02/11/2001 and 03/09/2005 and settled their claim including post retiral and pensionary benefits within the period of 6 months from today and the arrears thereof be released along with permissible amount of interest under the law.

Writ Petition No.16806/2012 In the cases of various employees, who had retired from service and in whose cases recovery was effected, a Bench of this Court in W.P.No.2595/2004 had passed an order on 24.03.2005 quashing orders of recovery and directing for refund of the amount already recovered keeping in view the order passed by this Court in the case of Smt.

Prerna (supra).so also in W.P.(S) No.2595/2004.

When the matter came up for hearing learned counsel for the petitioner submitted that this petition may be disposed of directing the respondents to examine the petitioner's claim in the light of the aforesaid directions issued in the case of of Smt.

Prerna W/o Shri Pramod versus State of M.P.and others (supra).The aforesaid prayer has not been opposed by learned Govt.

Advocate.

Accordingly this petition is disposed of directing the respondents to examine the claim of petitioner in the light of the order passed by Indore Bench of this Court in case of Smt.

Prerna W/o Pramod versus State of M.P.and other (supra).In case after examination it is found that the claim of the petitioner is similar, the petitioner be also extended the same benefits within the time fixed in the said order from the date of receipt of copy of this order by the respondents.

Writ Petition No.16806/2012 If for any reason whatsoever, the State Government finds that the benefit cannot be extended, the authorities are free to record reasons for the same and pass a speaking order.

It is made clear that since the Scheme of Kramonnati is made by the General Administration Department for all employees of all the departments of the State Government, the order passed by this Court in the case of Prerna (supra) would be applicable in case of all the employees similarly situated, irrespective of the departments in which they are appointed.

Certified copy as per rules.

(K.K.Trivedi) JUDGE A.Praj.

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