

Sheela Patel Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Mar-21-2013

Appellant : Sheela Patel

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Vinot Mishra

Judgement :

W.P.No.4167/2013 21/3/2013 : Shri Sanjay Ram Tamrakar with Shri Vinot Mishra and Ghanshyam Burman, learned counsel for the petitioners. Shri S.M.Lal, learned Govt.

Adv.for the respondents.

Petitioners were working in the School Education Department and was employed in the Jain Kanya Higher Secondary/ Primary School, Jawaharganj, Jabalpur.

On the ground that benefit of revision of pay under the 5th Pay Commission is not granted to them, they filed a writ petition before this Court being WPS No.3556/2005 and vide order 25.3.2005 Annexure P/1 the said writ petition was disposed of directing the respondents to examine the case of the petitioner and take action.

When nothing was done, petitioners approached this Court by filing certain contempt applications.

However, the same was disposed of in view of the fact that the original writ petition was disposed of on 25.3.2005 and contempt itself was initiated after a period of more than five years granting liberty to the petitioner to initiate fresh proceedings the application was disposed of and therefore, the petitioners are again before this Court.

It is common ground that in the light of various orders passed by this Court particularly in the case of Madhya Pradesh Ashashkiya Mahavidyalayin Ashaikshinik Karamchari Sangh versus State of M.P.& OtheRs.this Court has already directed the State Government to take action for paying the benefit of 5th Pay Commission recommendation to the employees.

Under similar circumstances in case of certain other Teachers like petitioners on 28.1.2013 in Contempt Case No.87/2013 B.R.Dehariya versus Shri Sanjeev Singh and others this Court had issued various directions and taking note of the same in W.P.No.1275/2013 on 4.2.2013 a Bench of this Court has issued following directions :- "It is not disputed at Bar that the claim as is being put forth by the petitioners is covered by decision rendered in Review Petition No.243/2009 Shyam Narayan Giri and others versus Shri I.S.Dani and others decided on 14.10.2011.

The said review petition was decided on the anvil of order dated 22.7.2011 issued by the State Government in the following terms :- "In view of the aforesaid, all the matters are disposed of finally, (i) All the applicants herein shall be extended benefit of order dated 22.7.2011 issued by the State Govt.

Rider of cut off date i.e.10.12.2010 shall not be applicable in the case of the applicants as they are entitled for benefits as per the orders passed by the Apex Court 18.12.2008 and 5.11.2009 in SLP No.19188/2008.

(ii) With the aforesaid modification, the order dated 22.7.2011 passed by the State Govt.

bearing F-37-5/2011/2013 shall be made applicable in the case of the applicants.

(iii)The respondents shall calculate and release the arrears to all the applicants herein within 60 days as prayed by Shri Tiwari."

Since the petitioners claim parity, the present petition is disposed of with a direction to the respondents to consider the claim of the petitioners for grant of arrears of 5th Pay Commission and 6th Pay Commission in the light of order dated 14.10.2011 passed in Review Petition No.243/2004.

Let the action be taken within a period of three months from the date of communication of this order."

Keeping in view the aforesaid, respondents are directed to take action in the case of petitioners also within a period of three months from the date of receipt of certified copy of this order and extend the petitioners the benefit of 5th Pay Commission as ordered by this Court in various other cases.

Petition stands allowed and disposed of with the aforesaid.

c.c.as per rules.

(Rajendra Menon) Judge Mr.mishra

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