

W.P. No. 5708 / 2012

29/06/2012

Mr Arvind Sharma, learned counsel for the petitioner.

Mrs. Vinita Phaya, learned G.A. for the respondents/ State.

The petitioner before this Court, a retired Government servant, has filed this present petition claiming benefit of IInd Kramonnati by virtue of executive instructions issued by State Government dated 21.03.1983 and 19.04.1999.

The contention of learned counsel for the petitioner is that his/her case is squarely covered by judgment delivered in W.P. No.6773 of 2006 (s) in the case of **Smt. Prerna Khoranne** Vs. **State of M.P. and others** passed on 26.04.2007.

Learned Government Advocate has fairly stated before this Court that the matter is squarely covered by the judgment delivered in the case of **Smt. Prerna Khoranne** (*supra*), wherein in identical circumstances the teachers of Education Department or Tribal Welfare Department were held entitled to receive the benefits of IInd Kramonnati under the policy dated 21.03.1983 and 19.04.1999 and 02.11.2001.

Resultantly, keeping in view the judgment

delivered in the case of **Smt. Prerna Khoranne** (*supra*) with the consent of the parties the present writ petition is disposed of with the following directions:-

- (i) Clause-3 of policy dated 3.9.2005 fixing the cut of date 1.8.2003 to grant the benefit of second kramonnati to the teachers is arbitrary, discriminatory, hence quashed.
- (ii) Teachers of Education Department or Tribal Welfare Department are held entitled to get the benefit of Kramonnati under the policy dated 21.3.83, 19.4.99 and 2.11.2001 in accordance with the terms and conditions as specified therein.
- (iii) The respondents are directed to consider the case of the petitioner keeping in view executive instructions dated 21.03.83, 19.04.1999 and 02.11.2001 and settle his/her claim including post retiral and pensionary benefits within the period of six months from today and the arrears thereof be also released within the aforesaid period.

With the aforesaid directions, the petition is disposed of.

(S.C. Sharma)
Judge