

W.P. No. 14532 / 2014
(Brajwasi Lal Patel.. Vs. .State of M.P. and ors.)

30-09-2014

Shri V.P.Singh, learned counsel for the petitioner.

Shri Puneet Shrotri, learned panel lawyer, for the respondent/State on advance copy.

Heard on the question of admission.

The petitioner has filed this petition claiming benefit of Krammonnati as per the circular of the State Government dated 4.6.2010 and similar circulars issued from time to time as well as the decision rendered by this court in the case of **Smt. Prerna vs. State of M.P. and Others, W.P No.6773/2006**, decided on 26.4.2007, which is in the following terms:-

“17. Consequently these petitions are allowed. The petitioners are entitled to derive the benefit of second Kramonnnati according to the terms and conditions mentioned in the circular dated 21/03/1983, 19/04/1999, 02/11/2001 and 03/09/2005. Accordingly, these petitions are disposed of with the following directions :

(i) Clause-3 of policy dated 03/09/2005 fixing the cut off date 01/08/2003 to grant the benefit of second Kramonnnati 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 21/03/1983, 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."

It is observed that the petitioner has directly approached this Court without filing any representation before the authorities.

In view of the aforesaid, the petition filed by the petitioner is disposed of with a direction to the effect that in case the petitioner files a representation before the authorities claiming the aforesaid benefit alongwith a certified copy of the order passed today and a copy of the petition, the concerned authority shall examine the same keeping in mind the circulars issued by the State Government from time to time and the order passed by this Court in the case of **Smt. Prerna** (supra) expeditiously in accordance with law and in case the petitioner is found entitled, benefit of the same shall be extended to the petitioner.

However, it is made clear that this court has not expressed any opinion on the merits of the case and therefore the authority would be at liberty to examine the matter keeping all facts and facets into consideration and thereafter either accept or

reject the representation by passing a reasoned order.

With the aforesaid directions, the petition filed by the petitioner stands disposed of.

C.C as per rules.

(R. S. JHA)
J U D G E

mct