

## **WP-2160-2015**

*(GOPAL KRISHNA SHARMA Vs THE STATE OF MADHYA PRADESH)*

**31-03-2015**

Shri Bhupendra Mishra, learned counsel for the petitioner.

Shri A.Singh, learned Panel Lawyer for the respondents.

Heard on the question of admission.

The petitioner has filed this petition claiming benefit of the second krammonnati as per the circular of the State Government dated 19.4.1999, in view of the circular of the State Government dated 3.9.2005, as interpreted by this Court in the decision rendered in the case of Smt. Prerna vs. State of M.P. & others , W.P. No.6773/2006 decided on 26.4.2007 in the following terms :-

¶17. Consequently, these petitions are allowed. The petitioners are entitled to derive the benefit of second Krammonnati according to the terms and conditions mentioned in the circular dated 21.3.1983, 19.4.1999, 2.11.2001 and 3.9.2005. Accordingly, these petitions are disposed of with the following directions :-

i) Clause-3 of the policy dated 3.9.2005 fixing the cut off date 1.8.2003 to grant the benefit of second Krammonnati 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 Krammonnati under the policy dated 21.3.1983, 19.4.1999 and 2.11.2001 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 at the rate of 6% per annum, on failure to comply the said directions within the aforesaid time, the interest at the rate 9% per annum will be leviable.

iv) In some of the cases the benefit of second Krammonnati 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 21.3.1983, 19.4.1999, 2.11.2001 and 3.9.2005 and settled their claim including post retiral and pensionary benefits within the period of six months from today and the arrears thereof be released along with permissible amount of interest under the law.¶

Keeping in view the aforesaid, the respondents shall examine the case of petitioner in the

light of the aforesaid directions within a period of two months the date of receipt of certified copy of this order and if it is found that petitioner is also entitled to similar benefits in the light of law laid down in the case of **Smt.Perna (supra)**, an appropriate speaking order be passed. Amount, if, any recovered from the petitioner in pursuance to the impugned action, shall also be refunded in case it is found that petitioner is entitled to similar benefit. Needless to emphasize that order as directed herinabove shall be passed and communicated to the petitioner within two months.

Accordingly, order impugned in this petition is quashed and in the case of petitioner, who has retired from services necessary action be taken for revision of his pension and other post retiral benefits.

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.

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

C.C.as per rules.

**(VANDANA KASREKAR)**  
**JUDGE**