

WP-15908-2014

(DASHRATHLAL SHARMA Vs THE STATE OF MADHYA PRADESH)

31-03-2015

Mr. Sanjay Sarwate, learned counsel for the petitioner.

Mr. Pradeep Singh, learned G.A. for the respondents-State.

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 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. & others, W.P. No.6773/2006 decided on 26.4.2007, which is in the following terms:

â¶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:

- (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.â¶

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

In view of the aforesaid the petition filed by the petitioners is disposed of with a direction to the effect that in case the petitioner file representation before the authorities claiming the aforesaid benefit alongwith a copy of the order passed today and a copy of the petition, the concerned authority shall examine the same keeping in mind 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 direction, the petition filed by the petitioner stands disposed of.

Certified copy as per rules.

(SHANTANU KEMKAR)
JUDGE