

ANNEXURE-C
High Court of Madhya Pradesh, Jabalpur
Bench at Indore, Indore
CONTINUATION ORDER SHEET

Writ Appeal No.977/2018

(Indore Development Authority
 through Administrative Officer, Indore
 Versus
 M.B. Mutha s/o Babulal Mutha)

Indore, Dated 31.07.2018

Shri Rishi Tiwari, learned counsel for the appellant / Indore Development Authority.

Heard on the question of admission.

O R D E R

This intra court appeal under Section 2 (1) of Madhya Pradesh Uchcha Nyayalaya (Khand Nyay Peeth Ko Appeal) Adhiniyam, 2005 has been filed by the appellant challenging order dated 23.04.2018 (Annexure A/1) passed in Writ Petition No.4614/2016, whereby the learned Writ Court disposed of the writ petition holding the writ petitioner entitled to interest @ 8.5% with effect from 01.07.2008 till the amount is actually paid to him on account of grant of time pay scale; and with direction to the appellant / Indore Development Authority to settle the leave account of the respondent / writ petitioner by encashing the leave available in his account within a period of ninety days from the date of receipt of the certified copy of the order.

2. Learned Writ Court considering the fact that the

respondent was granted time scale of pay by order dated 18.06.2015 with retrospective effect, though he was entitled for the aforesaid pay scale with effect from 01.07.2008 and in spite of repeated remainders and representations, claim of the writ petitioner has not been decided, and therefore, he has filed the aforesaid writ petition which was disposed of by order dated 23.04.2018.

3. It is not in dispute that after passing of the order by this Court on merit, but no payment has been made to the respondent / writ petitioner.

4. Considering the aforesaid, we are of the view that the learned Writ Court has rightly directed to pay interest @ 8.5% per annum to the writ petitioner with effect from 01.07.2008.

5. Writ Appeal No.977/2018 has no merit and is accordingly dismissed.

(P.K. Jaiswal)
Judge

(S.K. Awasthi)
Judge

Pithawe RC

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