

THE HIGH COURT OF MADHYA PRADESH

WA/00897/2019, WA/00931/2019, WA/00932/2019, WA/00934/2019, WA/00935/2019, WA/00936/2019, WA/00937/2019, WA/00938/2019, WA/00939/2019, WA/00940/2019, WA/00941/2019, WA/00942/2019, WA/00943/2019, WA/00944/2019, WA/00945/2019, WA/00946/2019, WA/00947/2019, WA/00948/2019, WA/00949/2019, WA/00950/2019, WA/00951/2019, WA/00952/2019, WA/00953/2019, WA/00954/2019, WA/00956/2019, WA/00957/2019, WA/00959/2019, WA/00960/2019, WA/00961/2019, WA/00963/2019, WA/00964/2019, WA/00965/2019, WA/00966/2019, WA/00967/2019, WA/00968/2019, WA/00969/2019, WA/00970/2019, WA/00971/2019, WA/00972/2019, WA/00973/2019, WA/00986/2019, WA/00988/2019, WA/00989/2019, WA/00990/2019, WA/00991/2019, WA/00992/2019, WA/00993/2019, WA/00994/2019, WA/00995/2019, WA/00999/2019, WA/01001/2019, WA/01003/2019, WA/01015/2019, WA/01016/2019, WA/01017/2019, WA/01018/2019, WA/01020/2019, WA/01021/2019, WA/01022/2019, WA/01023/2019, WA/01024/2019, WA/01029/2019, WA/01030/2019, WA/01032/2019, WA/01033/2019, WA/01034/2019, WA/01035/2019, WA/01036/2019, WA/01038/2019, WA/01039/2019, WA/01040/2019, WA/01041/2019, WA/01048/2019, WA/01049/2019, WA/01050/2019, WA/01051/2019, WA/01052/2019, WA/01053/2019, WA/01056/2019, WA/01057/2019, WA/01063/2019, WA/01093/2019, WA/01095/2019, WA/01096/2019, WA/01097/2019, WA/01098/2019, WA/01099/2019, WA/01100/2019, WA/01101/2019 & WA/01107/2019

Jabalpur, Dated : 30-08-2019

Shri Amalpushp Shrotri, Shri Amit Sthapak and Shri Ved Prakash Tiwari, learned counsel for the appellants.

Shri H.S. Chhabra, learned Government Advocate for the respondents/State.

Shri Ajeet Kumar Singh, learned counsel for the respondents.

Shri J.K. Pillai, learned counsel for the respondent/E.P.F.
Heard.

These writ appeals have been filed by the appellants under Section 2(1) of the Madhya Pradesh Uchha Nyayalaya (Khand Nyaypeeth to Appeal) Adhiniyam, 2005, against the order passed by the learned Single Judge, dated 3.4.2019 passed in W.P No.14594/2014 and connected matters, granting benefit to the employees of the erstwhile society, who were absorbed in the services of the Board, by issuing a direction to grant them similar benefits as available to the employees of the Board.

These writ appeals, have been filed by the appellants, being aggrieved by the relief granted to the respondent employees as contained in paragraph 32 (iv) of the impugned order, wherein it has been directed that the absorbed employees would also be entitled to pensionary scheme and other fringe benefits as applicable and available to the employees of the Board by relying upon the decision of the Indore Bench of this Court in W.A. No.334/2015 (**M.P State Electricity Board** (now known as *M.P. Paschim Kshetra Vidyut Vitran Company Ltd., Indore*) **Vs. Bijali Karamchari Sangh**).

The correctness of the decision of the Indore Bench in the aforesaid writ appeal was referred to the Full Bench and the Full Bench by an order passed in this and connected appeals, has over-ruled the decision of the Indore Bench rendered in the case of W.A.No.334/2015 **Bijli Karamchari Sangh** (supra) and has categorically held that the employees of the erstwhile society are entitled to claim pension and other retiral benefits only in accordance with the scheme and rules that were prevailing in the society and would not be entitled to claim or grant of the benefits of pension and other schemes as available to the employees of the Board.

In view of the order passed by the Full Bench in this and connected appeals dated 21.8.2019, the appeals filed by the appellant/Board is allowed and the order passed by the learned Single Judge granting relief as contained in paragraph 32 (iv) of the impugned order is set aside. The other reliefs granted by the learned Single Judge are, however, affirmed and upheld as there is no challenge to the same by the appellant/Board.

In terms of the order passed by the Full Bench in this and connected appeals dated 21.8.2019 and to the extent

contained therein, the appeals filed by the appellant/Board are allowed.

Certified copy as per rules.

(R. S. JHA)
ACTING CHIEF JUSTICE

(VIJAY KUMAR SHUKLA)
JUDGE

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