

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 4760-4761 OF 2017
(Arising out of SLP(C) Nos.
22989-22990/2016)

DR. SANJEEV KUMAR MALVIYA .. APPELLANT(S)

VERSUS

STAE OF MADHYA PRADESH & ORS. .. RESPONDENT(S)

O R D E R

Delay condoned.

1. Leave granted.
2. These appeals are directed against the judgment and order passed by the High Court of Madhya Pradesh, Principal Bench at Jabalpur in Review Petition No. 959/2015 and W.A. No. 755 of 2015, dated 01.04.2016 and 01.10.2015 whereby the Writ Appeal and the Review Petition were dismissed.
3. Heard learned counsel for the parties.

4. It is not in dispute that the appellant became eligible for the advance increment on 04.02.2003. On this date the appellant had acquired the necessary qualification. The appellant had informed the department accordingly and also requested that the certificate should be included in the service book. However, for reasons not explained the respondents did not grant increments till 08.08.2008.

5. However, the appellant was granted increment vide order dated 08.08.2008. Having granted the increment vide order dated 08.08.2008, the respondents purportedly withdrew the grant of increment on 18.12.2014. It is clear that the respondents were not entitled to withdraw the grant of increment with retrospective effect as has been done.

6. In the circumstances, we consider it

appropriate to direct that the appellant is entitled for the benefit of advance increment and be paid as per order dated 08.08.2008.

7. The appeals are disposed of accordingly.

.....J.
[S.A. BOBDE]

.....J.
[L. NAGESWARA RAO]

NEW DELHI,
MARCH 31, 2017.

ITEM NO.44

COURT NO.9

SECTION IVA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) Nos.22989-22990/2016

(Arising out of impugned final judgment and order dated 01/10/2015 in WA No. 755/2015 01/04/2016 in RP No. 959/2015 passed by the High Court Of M.P. At Jabalpur)

DR. SANJEEV KUMAR MALVIYA

Petitioner(s)

VERSUS

STATE OF MADHYA PRADESH AND OTHERS

Respondent(s)

(With appln. (s) for c/delay in filing SLP and exemption from filing c/c and exemption from filing O.T. and interim relief and office report)

Date : 31/03/2017 These petitions were called on
for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Ms. Niranjana Singh,Adv.

For Respondent(s) Mr. Mishra Saurabh,Adv.
Mr. Ankit Kr. Lal, Adv.
Ms. Vanshaja Shukla, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Leave granted.

The appeals are disposed of in terms of the signed order.

As a sequel to the above, all applications stand disposed of.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Indu Pokhriyal]
Court Master

[Signed order is placed on the file]