IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA,

ACTING CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 22nd OF JUNE, 2026

WRIT PETITION No. 16514 of 2026

PENSIONERS WELFARE ASSOCIATION PRANTIYA KARYALAYA
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Ms. Warija Ghildiyal - Advocate for the petitioner.

Shri Anubhav Jain G.A. for the respondents/State.

ORDER

Per: Pradeep Mittal, J

The petitioner has filed this present petition under Article 226 of the Constitution of India praying for the following reliefs:-

> *"(i) The Hon'ble Court may be pleased to strike down Rule 9 of the Madhya Pradesh Revision of Pay Rules, 2009, so far it does not provide for grant of one increment on 01.01.2006 in the pre-revised pay scale to such government servants who were entitled to receive annual increment between February and June, 2006 (Annexure P/1).*
> *(ii) The Hon'ble Court may be pleased to set aside the order dated 18.07.2025 passed by Respondent No. 1 (Annexure-P/2).*
> *(iii) A writ, order or direction in the nature of mandamus directing the Respondents to grant one increment on 01.01.2006 in the pre-revised pay scale to such government servants (members of the Petitioner Association) who were entitled to receive annual increment between February to June, 2006, thereafter their salay and pension may be re-fixed and arrrears may be granted along with interest at the frat of 24% per annum.*
> *(iv) Any other appropriate writ order or direction which this Hon'ble court may deem just and proper in the nature and circumstances of the case including cost of the litigation."*

2. Petitioner is a registered Association of retired Government employees receiving pension from the Government of Madhya Pradesh, formed for the welfare of State pensioners.

3. In the Annual General Meeting held on 22.06.2024, the Association authorized its State President to pursue the issue of grant of annual increments due on 1st January and 1st July. By resolution dated 24.07.2024, authorization was also granted to institute proceedings before this Court.

4. The Madhya Pradesh Revision of Pay Rules, 2009 were framed pursuant to the Sixth Central Pay Commission. Rule 9 provides a uniform date of annual increment as 1st July for employees completing six months or more in the revised pay structure.

5. The Government of India, vide Office Memorandum dated 19.03.2012, granted one additional increment as a one-time measure to employees whose increment fell due between February and June 2006, with consequential refixation of pay.

6. The same benefit was not extended to similarly situated State Government employees despite representations by the petitioners.

7. The RTI records disclose that the proposal for grant of one additional increment was processed and recommended at all levels, and a Cabinet Presis was prepared, but no final decision was taken. The States of Chhattisgarh and Uttar Pradesh extended similar benefits to their employees based on the Government of India's Office Memorandum.

8. It is pleaded that Rule 9 is arbitrary and discriminatory as it denies one additional increment to employees whose increment fell due between February and June 2006, while granting benefit to similarly situated employees, thereby violating Article 14 of the Constitution. The petitioner filed W.P. No. 28156/2024,

which was disposed of by order dated 18.10.2024 directing the Respondents to take a decision and consider the decisions of other States.

9. As the order was not complied with, Contempt Petition No. 1634/2025 was filed. During its pendency, Respondent No. 1 rejected the claim by order dated 18.07.2025, communicated on 24.07.2025. The contempt proceedings were disposed of granting liberty to challenge the order. The contention of the petitioner is that the impugned order dated 18.07.2025 is non-speaking, arbitrary, and mechanical, as it merely reproduces Rule 9 without considering relevant materials, judicial directions, or decisions of other States. It is thus vitiated by non-application of mind and violation of Article 14. Hence, this petition on the following grounds.

10. It is submitted by the learned counsel for the petitioner that Rule 9 of the Madhya Pradesh Revision of Pay Rules, 2009 is illegal, arbitrary and ultra vires the Constitution of India, inasmuch as it denies the benefit of one additional increment to employees whose annual increment fell due between January and June, 2006, thereby creating an unreasonable classification and resulting in hostile discrimination amongst similarly situated employees. That the Government of India, vide Office Memorandum dated 19.03.2012, has already removed the aforesaid anomaly by granting one additional increment to similarly situated employees as a one-time measure with consequential refixation of pay. The said benefit has also been duly extended by the States of Chhattisgarh and Uttar Pradesh to their employees, thereby recognizing the equity and fairness of the claim.

11. It is further submitted that the members of the petitioner Association are retired Government servants who stand on an identical footing with such

employees and are therefore entitled to the benefit of annual increment as on 01.01.2006 in the pre-revised pay structure, in accordance with settled principles of equality and non-discrimination under Article 14 of the Constitution of India. That the claim of the petitioners has been rejected by Respondent No. 1 vide order dated 18.07.2025 through a non-speaking, arbitrary, and mechanical order passed without assigning any reasons and without application of mind to the relevant facts and legal position.

12. That the impugned order is also vitiated for non-compliance with the specific directions issued by this Court, which required consideration of the decisions taken by the States of Uttar Pradesh and Chhattisgarh. The said mandatory direction has been completely ignored. That the respondent No. 1 has failed to consider the relevant departmental records, contemporaneous note sheets, and recommendations recorded at various levels, including the processed proposal for grant of benefit, while passing the impugned order dated 18.07.2025, thereby rendering the decision arbitrary and unsustainable in law.

13. The respondents support the impugned order and prays for dismissal of the writ petition.

14. In compliance of the order dated 18.10.2024 passed by the this Court in W.P. No. 28156/2024, the matter was examined in detail with reference to the representations of the petitioner, the provisions of Rule 9 of the Madhya Pradesh Pay Revision Rules, 2009, and the decisions taken by the States of Chhattisgarh and Uttar Pradesh.

15. Upon examination, it was observed that the Madhya Pradesh Pay Revision Rules, 2009 were notified on 28.02.2009 with retrospective effect from 01.01.2006. Under Rule 9, a uniform date of annual increment, namely 1st July, was prescribed for all State Government employees, subject to completion of the

prescribed qualifying service. The fixation of a common increment date and the eligibility conditions therefor constitute a policy decision of the State Government taken in exercise of its powers under the proviso to Article 309 of the Constitution of India.

16. The petitioners have sought deletion of Rule 9 and grant of an additional increment in the pre-revised pay scale to employees whose annual increment fell between February 2006 and June 2006. However, on consideration of the statutory provisions, the object and scheme of the Pay Revision Rules, 2009, and the relevant policy framework, no legal or administrative justification is found for deletion or modification of Rule 9. The Rule operates uniformly and forms an integral part of the revised pay structure introduced by the State Government.

17. Upon due consideration of all relevant facts, records, applicable rules, and the submissions made by the petitioners, the competent authority finding the claim of the petitioners being devoid of merit rejected the same. The authority further observed that Rule 9 of the Madhya Pradesh Pay Revision Rules, 2009 forms an integral part of the statutory pay revision framework and that no grounds exist for its deletion or modification. Accordingly, no action for deletion of Rule 9 of the Madhya Pradesh Pay Revision Rules, 2009 is warranted.

18. The primary issue for consideration is whether the option clause contained in the Rules, which permitted employees to choose between either accepting the revised pay structure from 1st January 2006 or from their next due date of increment, is arbitrary and violative of constitutional protection, and alternatively, whether the petitioner remains entitled to the intervening increment claimed in the instant petition in light of the subsequent government circulars and one-time relaxation granted.

19. Following the implementation of the Sixth Central Pay Commission recommendations, the Government of Madhya Pradesh issued the Pay Revision Rules, 2009, providing a revised pay structure with effect from 1st January 2006. Under Rule 8 of the Rules, the rate of pay increase in the revised pay structure was prescribed at 3 per cent of the sum of the pay in the pay band and the applicable grade pay, rounded off to the next multiple of 10. Rule 9 of the Rules provides that the date of annual increment shall be uniform, i.e., July 1st of every year, and employees completing 6 months or more in the revised pay structure as on July 1st shall be eligible for the annual increment.

20. For ready reference Rules 8,9 and 10 of the Madhya Pradesh Pay revision, Rules, 2009 are reproduced herein below:-

> *"Madhya Pradesh Pay Revision Rules, 2009*
> *8. Pay Increment in the Revised Pay Structure - The rate of pay increase in the Revised Pay Structure shall be 3% of the sum of the pay in the pay band and the applicable grade pay, rounded off to the next multiple of 10. The amount of the pay increase shall be added to the existing pay in the pay band. Example 2 in this regard is given in the Explanatory Memorandum to these rules.*
> *9. Date of next increment in the revised pay structure - The date of annual increment will be uniform i.e. July 1st of every year. Employees who have completed 6 months or more in the revised pay structure as on July 1st will be eligible for increment. After fixation of the revised pay structure on January 1st, 2006, the first increment will be granted on July 1st, 2006, to those employees whose next increment date will be between July 1st, 2006, and December 31st, 2006.*
> *Provided that the next increment in the revised pay structure shall be allowed from January 2006 in the case of employees who were drawing the maximum pay of the existing pay scale for more than one year as on January 1, 2006. Thereafter, the conditions of rule 9 shall apply to them.*
> *Provided that in cases where an employee reaches the maximum of his or her pay band, he or she shall be promoted to the next higher pay band one year after reaching the maximum. He or she shall be granted one increment at the time of placement in the higher pay band. He or she shall then remain in the higher pay band until his or her pay in the pay band reaches the maximum of PB4, after which no further*

increments shall be granted.

Note: In cases where one of the two existing pay scales has been merged by virtue of being a promotional pay scale and the junior Government servant is now drawing pay at the same or lower level in the lower pay scale and in the revised pay structure he is drawing pay in the pay band higher than the pay of the senior Government servant currently drawing higher pay in the higher pay scale, the pay of the senior Government servant shall be made equal to the pay of the junior employee in the pay band with effect from the same date and he will thus receive his next increment as per Rule 9.

10. Fixation of pay in the revised pay structure after 1st January 2006. - Where a Government servant continues to draw his pay in the existing pay scale and is brought into the revised pay structure from a date subsequent to 1st January 2006, his pay in the revised pay structure from that date shall be fixed in accordance with clause 7.

When a government employee exercises the option to switch to a revised pay structure on January 1st, they intentionally bypass the previous pay scale's increment cycle. Because the old scale is terminated on that date, forfeiting the intervening increment."

21. The pivotal provision is contained in Rule 9 of the Rules, which permits an employee to exercise an option to either accept the revised pay structure from 1st January 2006 itself, or to defer the benefit until their next due date of increment. The Rules explicitly provide that this option inherently entails a trade-off, if an employee chooses to switch to the revised pay structure from 1st January 2006, the intervening increments due under the previous pay scale falling between February and June 2006 are forfeited. Conversely, if the employee opts to defer until their next increment date, the previous scale's increment is granted, and only thereafter are the new rules applicable. This dual choice mechanism is clearly articulated in the Explanatory Memorandum and the Rules themselves.

22. Subsequently, the Government of Chhattisgarh, by its Order dated 1st August 2012 (Ministry Circular No. 243/F-1002091/Finance/Rule/Four/12), recognized the hardship caused to certain employees and, in exercise of powers conferred under Rule 16 of the Chhattisgarh Pay Revision Rules, 2009, granted a

one-time relaxation to employees whose increment date fell after 1st January 2006 but before 1st July 2006. By this Order, the Government granted one increment in the pre-revised pay scale as on 1st January 2006, to be treated notionally for fixation purposes, with financial benefit payable from the date of issuance of the Order. Similar relaxations were extended by the Government of Uttar Pradesh vide the Order cited in the record.

23. We have carefully considered the arguments advanced on both sides and examined the statutory framework governing pay revision in the State. The grievance of the petitioner, while superficially appealing on the grounds of equity, cannot be sustained in law for the following reasons:

24. First, the option clause embodied in Rule 9 of the Rules is neither arbitrary nor violative of the principle of equality before law. The Rules provide a clear, transparent, and rational choice to every employee, they may either accept the revised pay structure immediately from 1st January 2006 and thereby avail the enhanced pay benefits forthwith, or they may defer the transition until their next increment date to preserve the intervening increment. This is not a unilateral deprivation, it is a structured trade-off where both pathways carry demonstrable advantages. An employee opting for immediate transition gains from the enhanced pay structure and the new increment scale starting July 2006. An employee deferring gains the intervening increment but receives the revised structure slightly later. The presence of choice itself negates any charge of arbitrariness.

25. Second, the petitioner cannot be permitted to claim benefits accruing under the previous pay scale after voluntarily opting out of that scale. Once an employee exercises the option to move to the revised pay structure from 1st January 2006, the anterior regime ceases to apply. The previous scale's increment cycle, scheduled for a date after the option is exercised, cannot be retroactively

resurrected. Such a contention would render the option meaningless and permit employees to opportunistically claim benefits under both regimes a manifest contradiction. The statutory scheme contemplates that choice entails consequence. As articulated in the Explanatory Memorandum to the Rules, this is the established legal procedure rather than an exercise of arbitrariness. The employee, having exercised conscious choice between two clearly defined pathways, must abide by the consequences of that choice.

26. Third, and most significantly, the subject-matter of the petitioner's claim has been substantially addressed by the Government through the one-time relaxation circulars. The Chhattisgarh Circular dated 1st August 2012, with parallel provisions in other States including Uttar Pradesh, explicitly grants to employees whose increment date fell in the intervening period (between 1st January 2006 and 1st July 2006) a one-time grant of increment in the pre-revised pay scale as on 1st January 2006. This extraordinary relief, granted in exercise of the State's discretionary power under the Rules, is precisely the substantive remedy the petitioner now seeks. The fact that this relief was granted as a post-hoc relaxation and not as a matter of original entitlement is constitutionally permissible. The Government, in its wisdom, recognized the hardship and extended compassionate relaxation. To now permit litigation based on the same grievance would render the Government's remedial measure nugatory.

27. Fourth, the doctrine of estoppel and the principle against forum shopping equally bar the petitioner's claim. If the Government has already granted the very relief sought in this petition through administrative circulars, the petitioner cannot circumvent the settled administrative remedy and approach this Court for the same relief. The remedy must flow through the prescribed administrative channels. To countenance otherwise would be to encourage

redundant and duplicative litigation.

28. We are fortified in this view by the consistent judicial position that statutory pay revision schemes involve complex policy considerations and merit deferential review by courts. Here, the Rules provide transparent criteria, the option clause offers genuine choice, the Government has subsequently rectified hardship through administrative relaxation, and no constitutional violation is demonstrated. The charge of arbitrariness must therefore fail.

29. In view of the foregoing analysis, we hold that the petitioner's grievance, while sympathetically considered, cannot be sustained. The option clause in Rule 9 of the Rules is valid and enforceable. The forfeiture of the intervening increment is a lawful consequence of the petitioner's choice to opt for the revised pay structure from 1st January 2006. Further, the petitioner's substantive claim has been addressed through the Government's one-time relaxation circular, if the petitioner falls within its scope. The writ petition accordingly lacks merit and is liable to be dismissed.

30. In consideration of the foregoing reasons, the writ petition is hereby dismissed.

(VIVEK RUSIA)
ACTING CHIEF JUSTICE

(PRADEEP MITTAL)
JUDGE

MSP