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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5144 of 2023

S.N. Mishra S/o Late Shri T.N. Mishra Aged About 73 Years R/o Janta Colony,
House No. 184, Tilak Nagar, Gudhiyari, Raipur, Dist. Raipur (C.G.)

... **Petitioner(s)**

versus

**1 - State Of Chhattisgarh Through The Secretary, Department Of Transport
Mahanadi Bhawan, Atal Nagar, Raipur (C.G.)**

**2 - Chhattisgarh Infrastructure Development Corporation Through The Managing
Director, Transport Section, 2nd Floor, Old Police Head Quarter Premises, Raipur
(C.G.)**

... **Respondent(s)**

For Petitioner(s)	:	Shri Sudeep Johri, Advocate.
For Respondent No.1	:	Ms. Akansha Verma Dabhadker, PL.
For Respondent No.2	:	Shri Anup Majumdar, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

01/04/2026

1. This Writ Petition has been filed against the inaction on the part of respondent authorities in not complying with the order passed by the Hon'ble Supreme Court in Contempt Petition Civil No.1008/2018 in Civil Appeal No.321 of 2013.
2. The petitioner has prayed for the following reliefs:-

1-That the Hon'ble court may be kind enough to call the record of the petitioner as well as other respondents.



2-That the Hon'ble Court may be kind enough to issue a writ/writs, order/orders, direction/directions and to command the respondents by writ of mandamus and to order the respondents to pay the arrears of DA from 1-1-2003 till the date of voluntary retirement of the petitioner in compliance of the order passed by the Apex Court in Civil No. 321/2013.

3-That the Hon'ble Court may be kind enough to issue any other writ, order or direction to the respondents to pay the arrears of salaries by adding arrears of DA in the pay scale of the petitioner and further calculate the arrears of gratuity, leave encashment, earn leave and ex-gratia in compliance of the order passed by the Apex Court and the Hon'ble High Court of Madhya Pradesh with interest.

3. Necessary facts of the case are that petitioner was appointed on the post of Traffic Superintendent Grade I in 1974 in consolidated Madhya Pradesh. Consolidated Madhya Pradesh was bifurcated by the Reorganization Act, 2000 and the State of Chhattisgarh came into existence. Petitioner had opted voluntary retirement under the Voluntary Retirement Scheme (in short VRS) 2005. It was brought by the respondent no.2 and consequently he retires from the services of the respondent no.2. The erstwhile MPSRTC was entered into a settlement way back on 3-2-1988 with the M.P. Transport Workers Federation, wherein it was settled that the employees of the MPSRTC was entitle to same rate of Dearness allowance as of employees of the Madhya Pradesh Government but the employees of the MPSRTC were not paid the Dearness allowance as recommended by 5th Central Pay Commission. Thereafter, a petition (Writ Petition No.1247 of 2011) was preferred by the Workers Trade Union before the Indore bench of Hon'ble Madhya Pradesh High Court wherein it was ordered on 1-7-2011



to comply the settlement and the arrears of the Dearness allowance are liable to be paid to the M.P. Road Transport Corporation. The aforesaid order was challenged before the Hon'ble Supreme Court in Civil Appeal No.321/2013 wherein an order was passed on 1-12-2016 wherein the order passed by the Hon'ble Single Bench of Madhya Pradesh High Court was affirmed. Non compliance of the order was brought to the knowledge of the Hon'ble Apex Court by a contempt petition wherein also the Hon'ble Supreme Court directed the payments to be made vide order dated 24-1-2020. The MPRTC has issued various letters dated 7-9-2017 and 17-10-2022 to the respondent no.2 and requested that the assets and liabilities have been bifurcated after the reorganization of the state Madhya Pradesh from 1-1-2003 and therefore the arrears of the Dearness allowance from 1-1-2003 are to be paid to the employees of the erstwhile MPSRTC who remained with the respondent no.2 in Chhattisgarh, however the MPSRTC has paid arrears to the employees from 1-1-1998 to 31-12-2002 to the employees since the liabilities of the employees will remain with the respondent no.2 for the State of Chhattisgarh only. The arrears have not been paid in accordance with the order passed by the Hon'ble Supreme Court although some more petitions have been filed in the High Court of Madhya Pradesh at Indore and same was decided by a separate order dated 27-3-2023 wherein it was directed to pay the arrears as well as compute the gratuity, ex-gratia and leave encashment etc. within a period of 90 days from the date of the receipt of the order including 6% interest till



the actual date of payment on arrears of DA.

4. At the outset, learned counsel for the parties submit that the issue involved in the present writ petition stands squarely covered by the order passed by this Court in **WPS No.7123 of 2018 and other connected matters (GK Gupta and Others vs. Managing Director and Another)** decided on 21.06.2024. It is jointly prayed that the present writ petition may also be disposed of in terms of the observations and findings recorded therein. The relevant paragraphs of the said order are reproduced below:–

“5. Admittedly, the petitioners were employees of MPSRTC. After the bifurcation of the State of Madhya Pradesh, they joined the services in the State of Chhattisgarh and all the petitioners took voluntary retirement under the voluntary retirement scheme on 31.01.2003. The dispute arose with regard to payment of dearness allowance after retirement, therefore, an industrial dispute was raised by the Union. The matter was referred to the Industrial Tribunal and in Reference Case No. 2 of 2006, the Industrial Tribunal, Indore passed an award in favour of the Union on 08.01.2007 and directed the employer to make payment of dearness allowance. The order was assailed before the High Court of Madhya Pradesh by filing W.P. (S) No. 1247 of 2007 which was disposed of with a direction to MPSRTC to make payment of dearness allowance and arrears of salary and the petition was dismissed on 01.07.2011. The order was again challenged by the MPSRTC before the Hon’ble Supreme Court and the SLP so filed was also dismissed. It was observed therein:–

“Payment of arrears of dearness allowance be made to the existing employees as well as those who have retired voluntarily, till the time they were in service, by making an advertisement in the newspaper inviting applications from



the employees and the employees who have already retired voluntarily. Appellant No.1 shall get the details from the employees and shall verify from the records and make necessary payments within two months.”

*6. Taking into consideration the order passed by the Industrial Tribunal which was affirmed by the High Court of Madhya Pradesh and also considering the direction issued by the Hon’ble Supreme Court, in the considered opinion of this Court, these petitions deserve and are hereby **allowed** and the MPSRTC is directed to make payment of interest on delayed payment of dearness allowance from 31.1.2003 to till the date of realization @ 6% per annum.*

*7. With the aforesaid observation(s)and direction(s), these petitions are **disposed of**.”*

5. Since the grievance of the petitioner is identical to the one considered in **WPS No.7123 of 2018 and other connected matters (GK Gupta and Others vs. Managing Director and Another)** and the petitioner in the present case is also seeking the same relief, the writ petition is accordingly **disposed of** in terms of and in line with the observations made in the aforesaid order.
6. The MPSRTC is accordingly directed to make payment of Dearness Allowance to the petitioner from 01.01.2003 till the date of voluntary retirement of the petitioner i.e. 31.12.2006 and the petitioner shall also be entitled to receive interest on the delayed payment of dearness allowance which shall be paid by the MPSRTC from the date of voluntary retirement of the petitioner i.e. 31.12.2006 till the date of realization @ 6 % per



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annum.

7. Though MPSRTC has not been made party in this petition, however, since the coordinate Bench has passed the order dated 21.06.2024 in which, it was party and the present matter is a similar one, it will not make any difference and the MPSRTC is liable to consider the same and give benefit of the same to the petitioner.

Sd/-
(Amitendra Kishore Prasad)
Judge

Avinash