IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
WP No. 8117 of 2023

(DR. SUDHIR PANDEY Vs ***THE STATE OF MADHYA PRADESH AND OTHERS)***

WP/15996/2021, WP/24526/2021, WP/25992/2021, WP/26346/2021, WP/26347/2021, WP/26523/2021, WP/27258/2021, WP/28039/2021, WP/28308/2021, WP/1688/2022, WP/3276/2022, WP/5821/2022, WP/6155/2022, WP/6360/2022, WP/7332/2022, WP/8044/2022, WP/8299/2022, WP/8369/2022, WP/8477/2022, WP/8618/2022, WP/8621/2022, WP/8623/2022, WP/8632/2022, WP/8637/2022, WP/8650/2022, WP/8659/2022, WP/8661/2022, WP/9207/2022, WP/9242/2022, WP/9409/2022, WP/10555/2022, WP/10706/2022, WP/14428/2022, WP/18849/2022, WP/19778/2022, WP/22839/2022, WP/24212/2022, WP/24228/2022, WP/26377/2022, WP/8118/2023, WP/10272/2023, WP/11742/2023, WP/12802/2023, WP/15713/2023, WP/16757/2023, WP/18960/2023, WP/18968/2023, WP/21347/2023, WP/21973/2023, WP/22169/2023, WP/26127/2023, WP/26983/2023, WP/31592/2023, WP/1820/2024, WP/12603/2024, WP/13624/2024, WP/18515/2024, WP/19290/2024, WP/19576/2024, WP/25501/2024, WP/37458/2024, WP/1140/2025, WP/1475/2025, WP/2154/2025, WP/3043/2025, WP/9734/2025, WP/13521/2025, WP/13738/2025, WP/14639/2025, WP/18449/2025, WP/21981/2025, WP/26615/2025, WP/27111/2025, WP/28152/2025, WP/42981/2025, WP/19042/2026, WP/22201/2026

Dated : 13-07-2026

Parties through their respective counsels.

Heard on I.A No.3680/2026, which is an application seeking modification of the interim order in terms of the Apex Court judgment.

2. Since a similar application is filed in all the pending writ petition; therefore, this common order is being passed in all the cases.

3. The petitioners, being Ayush doctors, in all writ petitions have approached this Court seeking enhancement of retirement age from 62 to 65 years at par with the government doctors. In some of the writ petitions, the interim order to the effect has been passed permitting the petitioner to work until attaining the age of 65 years. Thereafter, the application for vacating stay has also been rejected in some of the writ petitions.

4. Shri Bramhadatt Singh-Additional Advocate General for respondent/State submits that the Apex Court in the case of ***State of***

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Rajasthan Vs. Anisur Rahman (SLP (C) No. 9563/2024) has granted discretion to the State to take services of the Ayush Doctors even after the age of 62 years without giving them the benefit of regular pay and allowances. Therefore, in light of the Apex Court order, the interim order be modified.

5. Learned counsel appearing for the petitioner opposes the aforesaid prayer by submitting that the petitioners have already worked beyond 62 years, but the respondent/State is neither paying salary nor paying retiral dues.

6. The Apex Court in the case of ***State of Rajasthan Vs. Anisur Rahman*** (supra) has passed the order and relevant paragraph 10 and 11 are reproduced below:-

> *"10. In the meanwhile, the States and the authorities would be entitled to either continue the practitioners of indigenous systems of medicine, even after the age of superannuation specified for them till the age of superannuation provided for MBBS doctors, without the benefit of regular pay and allowances. Eventually, if the larger Bench holds in favour of the AYUSH doctors, entitling them for enhancement in retirement age, the practitioners would be entitled to avail pay and allowances during the period they were continued. However, if they are not allowed to continue by virtue of this order, still they would be entitled to avail the pay and allowances for the enhanced period, if the issue is held in their favour. If the State Government permits such continuance and the individual doctors do not take up such assignment without regular pay and allowances, they would be treated as retired and the fate of this reference will be inconsequential to them.*
>
> *11. Considering the fact that if the AYUSH doctors are continued, they will not be entitled to pension also, it is directed that they shall be paid half of the pay and allowances, which, if the reference does not yield any favourable orders will be adjusted in their pension or otherwise against the regular pay and allowances"*

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7. In the aforesaid order, the discretion has been given to the State Government and its authorities would be entitled either to continue the practitioners of indigenous systems of medicine, i.e Ayush Doctors, even after the age of superannuation upto the age of 65 years without the benefit of regular pay and allowances and if the State does not allow them to continue still Ayush Doctors would be entitled to avail pay and allowances for the enhanced period if issue is held in their favour. It has also been held that if the individual Ayush Doctors do not accept such assignment without regular pay and allowances, they would be treated as retired and the fate of this reference will be inconsequential to them. Therefore, it is prayed on behalf of the Additional Advocate General that the interim order be modified by giving discretion to the State Government to continue the petitioners up to the age of 65 years.

8. After considering the arguments of learned counsel for the parties.

9. We hereby pass the following interim order:-

(i) The writ petitioners in whose favour an interim order has been granted to continue up to the age of 65 years and application for vacating stay has been rejected, they shall continue up to the age of 65 years. However, they shall not be entitled to the benefit of regular pay and allowances. The State government shall settle their pensionary benefit treating them as retired at the age of 62 years. However, the pension, PPO, to be issued for grant of pension and other benefits shall be provisional and shall also be subject to the outcome of the instant writ petition.

(ii) The petitioner, who has not been granted any interim relief to

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continue up to the age of 65 years for them in view of the direction given by the Apex Court in the case of ***State of Rajasthan Vs. Anisur Rahman*** (supra), the State Government and its authorities shall have discretion to permit the Ayush Doctor to continue up to the age of superannuation, i.e 65 years, without benefit of regular pay and allowances. In these cases, paragraphs 10 and 11 passed in the case of ***State of Rajasthan Vs. Anisur Rahman*** (supra) shall apply *mutatis mutandis*.

(iii) The petitioner shall have the discretion to accept such assignment, if given by the State Government, and if they do not accept the same, the fate of this petition will be inconsequential to them.

Accordingly, the aforesaid IA and similar I.A. stand disposed of. A copy of this order be placed in all the writ petitions.

(VIVEK RUSIA)
ACTING CHIEF JUSTICE

(VINAY SARAF)
JUDGE

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