

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.10326 of 2026

Decided on: 28.07.2026

Er. Prithi Raj & others	... Petitioners
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Versus

State of Himachal Pradesh and others	... Respondents
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Hon’ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?¹

For the petitioners:	Mr. Vinod Chauhan, Advocate.
For the respondents:	Mr. Rajpal Thakur, Additional Advocate General, for respondents No.1 and 2. Mr. Ravinder Thakur, Advocate, for respondent No.3. Ms. Kamlesh Shandil, Advocate, for respondent No.4.

Ajay Mohan Goel, Judge (Oral)

By way of this petition, the petitioners have, *inter alia*, prayed for the following reliefs:-

- “i) Issue a writ of mandamus directing the Respondent authorities to grant annual increment to the petitioners as they have completed more than 6 months services out of 12 months as required for the purpose of the increment.
- ii) That respondent may kindly be directed to pay the arrear accrued to the petitioner on account of non-payment of the increment along with up-to-date interest.”

2. All the petitioners before this Court are retired employees of the Himachal Pradesh State Electricity Board. In terms of the pleadings, they were recruited between the years 1978 to 1993

¹ Whether reporters of the local papers may be allowed to see the judgment?

and stand superannuated upon attaining the age of superannuation. They are aggrieved by the fact that they have been denied the annual increment on the grounds that they had not served for complete 12 months as on the date when the increment fell due from the date when the last increment was conferred upon them.

3. Learned counsel for the petitioners argued that as the issue of annual increment has been settled, coupled with the fact that the same is being paid @ 3% of the total salary, therefore, the same has to be proportionate to the 12 month service rendered by an employee. He submitted that even if the petitioners before the date of their superannuation had not put in 12 months of service as on the date when increment was due, but then proportionate increment should have been released in their favour for the number of months they had put in the year before their superannuation. In support of this contention, learned Counsel has relied upon the judgment of the Hon'ble Supreme Court in *The Director (Administration and HR) KPTCL and others Versus C.P. Mundinamani and others*, (2023) 14 Supreme Court Cases 411.

4. On the other hand, Mr.Ravinder Thakur, learned Counsel for the Board has drawn the attention of the Court to the reply filed by the Board and submitted that the respondent-Board is a Government owned Company and is the entity of the State of Himachal Pradesh. He submitted that the Board adopts the Policy

decisions of the Government of Himachal Pradesh as notified from time to time as per its suitability with certain alterations and modifications. Learned Counsel further submitted that the Government of India in its Office Memorandum dated 28.11.2019 has issued clarification on the date of next increment under Rule 10 of the CCS Revised Pay Rules, 2016. In terms of this Memorandum, it is apparently clear that the next increment shall accrue only after completion of one year. He submitted that as in the present case, the petitioners were given annual increment for the previous year which was due to them when they were in service, but subsequently, as on the date of their retirement, they had not completed 12 months service as from the date when the last increment was conferred upon them, they were not entitled for the receipt of increment. Therefore, as there is no merit in the present petition, the same be dismissed.

5. I have heard learned Counsel for the parties and have also carefully gone through the pleadings as also the documents appended therewith.

6. Though in the pleadings, the petitioners have not mentioned the date and month the date of their retirement, however, but in Annexure P-1 appended with the petition, the month and year of the retirement of the petitioners is mentioned. A perusal thereof demonstrates that the petitioners superannuated in different years, months of the year ranging from the year 2013 to 2023 and the

month of March up to the month of October.

7. A perusal of Annexure-A appended with the reply filed by the respondent-Board demonstrates that in terms of said Office Memorandum dated 20.11.2019, whileby answering number of references received from the Minister of Finance, Government of India seeking clarification regarding withdrawal of next increment by the employees promoted on 01.07.2016, the Department of Expenditure vide Office Memorandum dated 31.07.2018 clarified that in case an employee is promoted or granted financial upgradation including upgradation under the MSEP Scheme on 1st January or 1st July where the pay is fixed in the level applicable to the post on which promotion is made in accordance with Rule-13 of the CCS Revised Pay Rules, 2016, the first increment in the level applicable to the post on which promotion is made shall accrue following 1st July or 1st January as the case may be provided a period of 6 months qualifying service is strictly fulfilled and next increment thereafter, shall however, accrue only after completion of 1 year.

8. Hon'ble Supreme Court in *The Director (Administration and HR) KPTCL and others Versus C.P. Mundinamani and others* (supra) *judgment* that has been relied upon by the learned Counsel for the petitioners, was seized of the issue in a case where the increment falls due a day after the superannuation of an employee,

can such an employee be denied the benefit of increment? Answering this factual backdrop, the Hon'ble Supreme Court held that the word "accrue" should be understood liberally and would mean payable on the succeeding day, meaning thereby that the entitlement to receive increment crystallizes when the Government servant completes requisite length of service with good conduct and which increment thus becomes payable on the succeeding day.

9. In the facts of this case, the judgment of the Hon'ble Supreme Court does not come to the rescue of the petitioners. Herein, it is not the case of the petitioners that the increment which was due, a day after the superannuation of the petitioners has been denied to them. Further, it is also not the case of any of the petitioners that the last increment was granted to them exactly an year before the date of their superannuation.

10. Therefore, obviously, in these circumstances, as the petitioners were not entitled for the grant of increment as on the day when they had retired, they had not put in an year's service as from the date when last increment was conferred upon them, there is no infirmity in the decision of the board of not granting increment to the petitioners.

11. Before parting, this Court would also like to make another observation and the same is that though, in the present case this Court is not dismissing the petition on the ground of

maintainability, but the present petition on behalf of 10 petitioners who have totally different causes of action is not maintainable. This is for the reason that whereas one petitioner was appointed as a Junior Engineer somewhere in the year 1978, the other was appointed in the year 1993. Their dates, months and years of superannuation are all different. It is not understood as to how the deponent Shri Prithi Raj is privy to the details of the other petitioners qua their grievance of non-grant of increment raised in this petition.

12. Therefore, the Court cautions learned Counsel that in such-like cases, prudence be exercised and where the cause is independent, it is always advisable to approach the Court separately for each petitioner in such-like circumstances.

13. With these observations, the petition is dismissed without costs. Pending miscellaneous application(s), if any also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

July 28, 2026
(Rishi)