



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Single No. 310 of 2024

19th August, 2026

Kailash Chand Shakya

--Petitioner

Versus

State Of Uttarakhand & others

--Respondents

Presence:-

Mr. S. K. Mandal, Advocate for the petitioner.

Mr. K.N. Joshi, learned Deputy Advocate General for the State/respondents.

Hon'ble Pankaj Purohit, J.

Heard learned counsel for the parties.

2. The petitioner has retired as a Principal from DIET, Lohaghat, Champawat on 31.12.2021.

3. According to the petitioner, he was not given increment for the next year which was due on 01.01.2022 as he retired on 31.12.2021. Due to which, he is suffering a loss of Rs.3700/-, hence the petitioner has approached this Court.

4. Feeling aggrieved by this fact, petitioner has sought a writ, order or direction in the nature of mandamus directing and commanding the respondents to grant the selection grade, promoted pay scale and periodical/yearly increment of 2021 and revise the pension/gratuity/leave encashment and other consequential retirement benefit; with arrear and interest.



5. Learned counsel for the petitioner has drawn the attention of this Court to the representation made by the petitioner which has not been decided yet. He has also relied upon a judgment rendered by the Apex Court in the case of **Director (Administration and HR) Karnataka Power Transmission Corporation Ltd. And Others Vs. C.P. Mundinamani and Others, Civil Appeal No.2471 of 2023, 2023 SCC OnLine SC 401.** Relevant extract of the said judgment is reproduced below-

“The Allahabad High Court in the case of Nand Vijay Singh (supra) while dealing with the same issue has observed and held in paragraph 24 as under: -

“24. Law is settled that where entitlement to receive a benefit crystallises in law its denial would be arbitrary unless it is for a valid reason. The only reason for denying benefit of increment, culled out from the scheme is that the central government servant is not holding the post on the day when the increment becomes payable. This cannot be a valid ground for denying increment since the day following the date on which increment is earned only serves the purpose of ensuring completion of a year’s service with good conduct and no other purpose can be culled out for it.”

6. Per contra, learned State Counsel submitted that the Government Order was issued on 31.12.2024 which has been made applicable by the State Government from the date of judgment of the Apex Court i.e. from 11.04.2023.

7. Having gone through the Case Law relied upon by the learned counsel for the petitioner rendered by Apex Court in the case of Director (Administration and HR) Karnataka Power Transmission Corporation Ltd. And Others (*Supra*), this Court is of the view that the issue is no longer *res integra*.

8. Accordingly, the writ petition is allowed. The argument of learned State Counsel is bereft of merit as



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the ratio of the Apex Court Judgment is directly applicable to him. In Director (Administration and HR) Karnataka Power Transmission Corporation Ltd. and Others (*Supra*) it was held that the increment is paid to the government servant for the service rendered by him when he completes the requisite length of service, therefore, only due to the fact that he retired one day prior to the date of increment, he cannot be denied that increment. A writ of mandamus is issued commanding respondents to grant annual increment to which is due to him on 01.01.2022 without any further delay, to re-fix his pension and other retiral dues on the basis of the last drawn salary, after adding the increment in-question.

9. All the pending applications, if any, stand disposed of accordingly.

(Pankaj Purohit, J.)

19.08.2026

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