

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 26821 of 2013 (O&M)

Date of decision : 24.8.2015

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Ram Gopal Sharma

.....Petitioner

vs.

State of Haryana and others

.....Respondents

Coram: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Sandeep Sharma, Advocate for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General,
Haryana

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1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

P.B. Bajanthri, J.

In this petition, petitioner has questioned the validity of the order dated 11.11.2013 (Annexure P-5), by which claim of the petitioner, for grant of one increment is rejected.

(2) The petitioner was working as a Naib Tehsildar. He has attained the age of superannuation and retired from service on 28.2.2006. His grievance is that annual increment which is due to him on 1.5.2006 is to be preponed w.e.f. 1.1.2006 i.e. before his date of retirement. Due to non-consideration of his grievance, he had

approached this Court in CWP No. 13904 of 2013. The same was disposed of on 3.7.2013 directing the Director, Urban Estate Haryana, Sector 6, HUDA Office, Panchkula, to decide the grievance of the petitioner and to pass a speaking order. In pursuance of the said direction, grievance of the petitioner was taken note of by the concerned respondent and rejected after giving oral hearing on 11.11.2013. Petitioner relied on Haryana Government Notification dated 16.4.2012 by which he is entitled for increment as on 1.1.2006. The concerned respondent with reference to clarification of the Government dated 22.3.2013, stated that petitioner is not entitled for one increment w.e.f. 1.1.2006 in the pre-revised pay scale, pursuant to Government instructions dated 16.4.2012. To that effect, an order was passed on 11.11.2013. Aggrieved by the order dated 11.11.2013, the present petition is filed.

(3) Learned counsel for the petitioner submitted that as per the Government order dated 16.4.2012, the petitioner is entitled for increment on 1.1.2006, even though the next increment is due as on 1.5.2006. The order dated 16.4.2012 deals with the date of next increment in the revised pay structure under Rule 10 of Haryana Civil Service (Revised Pay) Rules, 2008 and under Rule 20 of Haryana Civil Service (Assured Career Progression) Rules, 2008. As per Rule 10 of Haryana Civil Service (Revised Pay) Rules, 2008, read with Rule 20 of Haryana Civil Service (Assured Career Progression) Rules, 2008, the object is to grant uniform annual increment, namely 1st July of every year. Employees completing 6 months and above in

the revised pay structure as on 1st July will be eligible to be granted an increment. The first increment after fixation of pay on 1.1.2006 in the revised pay structure will be granted on 1.7.2006 for those employees for whom the date of next increment was between 1st July, 2006 to 1st January, 2007. Petitioner's claim for increment do not fall within the aforesaid rule read with order for the reasons that the petitioner's next increment was due on 1.5.2006, whereas he has attained the age of superannuation and retired from service on 28.2.2006. Therefore, he is not entitled for an increment as on 1.1.2006.

(4) I find no reasons to interfere with the impugned order dated 11.11.2013 vide Annexure P-5.

(5) Accordingly, the writ petition is dismissed.

(P.B. Bajanthri)
Judge

August 24th, 2015.
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