

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CWP No. 25482 of 2015

Date of decision: 5-12-2015

Varun Bansal and others ... Petitioners

Versus.

Union of India and others ... Respondents

**CORAM:- HON'BLE MR. JUSTICE M. JEYAPPAUL
HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Petitioner No.1, Varun Bansal, in person.

...

M. JEYAPPAUL, J:

1. The grievance of the petitioners is that their mother who died in harness was entitled to three increments from 1993 to 2004 and a senior scale.
2. Heard the submissions made by the petitioner-party in person.
3. The mother of the petitioners by name Kamlesh Bansal joined service on 28.1.1993. She had availed extra-ordinary leave from 1.8.2004 to 7.9.2004, the date on which she died.
4. Rule 33 of the CCS (Pension) Rules categorically states that if a government servant immediately before his retirement or death while in service had been absent from duty on extra-ordinary leave, the period whereof does not count as service and the emoluments which he drew immediately before proceeding on such leave shall be the emoluments for the purposes of the said rule.

5. As per the above rule, the mother of the petitioners is not entitled to increments due in the month of August, 2004. The official respondents have established that the mother of the petitioners had availed benefit of two annual increments of August, 1994 and August, 1995, as per entry found in the service book, Annexure R-1.

6. In view of the above, we find that there is no merit in the writ petition and the same is hereby dismissed.

**(M. JEYAPPAUL)
JUDGE**

**(DARSHAN SINGH)
JUDGE**

**December 05, 2015
JS**