

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision : 18.01.2017

1) CWP No.17597 of 2010 (O&M)

Ranvir Singh and another Petitioners

Versus

State of Haryana and others Respondents

2) CWP No.20608 of 2010 (O&M)

Ram Chander and others Petitioners

Versus

State of Haryana and others Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Umesh Narang, Advocate
for the petitioners.

Ms. Shruti Jain Goyal, A.A.G., Haryana.

AJAY TEWARI, J. (Oral)

By these two petitions the petitioners have challenged the

order of the respondents withdrawing special increments granted to them

on account of having secured Ist, IInd & IIIrd position in various Sporting events. Since the issue is same both the petitions are decided by the common order. For the sake of convenience the facts are being taken from CWP No.17597 of 2010.

The petitioners had participated and won National Veteran Tournaments in the year 1998 and 2000 respectively and consequently granted one special increment each on the basis of instructions dated 24.10.1990 (Annexure P-3). In the year 2008 a clarification was issued as per which it was mentioned that for the entitlement of increment the sport events in which the petitioners had won were not recognized and thereafter notices were issued to the petitioners. Subsequently by the impugned orders the benefits have been withdrawn with retrospective effect and recoveries were ordered. The instructions dated 24.10.1990 (Annexure P-3) is as follows:-

“Sub: Participation by Haryana Govt. Servants in Sporting events and tournaments of national or international importance Grant of incentive/facility.

Sir,

I am directed to invite your attention to the subject noted above and to say that at present special casual leave is granted to Haryana Government employees for a period of 30 days in a calendar year for participating in Civil

Services Tournaments of National and International importance such as”

In the clarification (Annexure P-6) it is mentioned as follows:-

“It is made clear by inviting your attention to the Govt. instruction dated 26.10.2005 that only those employees who get First and Second position in the Civil Services Veteran Tournament of National or International Importance be considered for granting the increments.”

It is not disputed that the Sporting events in which the petitioners participated and won are not the Civil Services Tournaments. In the circumstances, no fault can be found in the action of the respondents in withdrawing that special increment.

There is however another aspect of the matter. Learned counsel for the petitioners has relied upon the judgment of the Supreme Court in the matter of ***State of Punjab and others vs. Rafiq Masih (White Washer) etc., 2015(4) SCC 334*** to contend that recovery should not have been made more than 5 years after the grant of the increment.

Learned Assistant Advocate General is not in a position to deny this fact.

In the circumstances, the order of withdrawal of the special increment is upheld but the order of recovery is set aside.

Petitions stand disposed of in the above terms.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

January 18, 2017
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No