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

**CWP-20812-2015
Date of Decision :25.07.2017**

VIMLA KUMARI & ORS

.....Petitioners

Versus

STATE OF HARYANA & ORS

.....Respondents

CORAM : HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Suresh Ahlawat, Advocate
for the petitioners.

Mr. R.K.Doon, AAG, Haryana.

Mr. Mikhail Kad, Advocate for
Mr. A.K.Goyal, Advocate
for respondent No.4-UGC.

AMOL RATTAN SINGH, J. (ORAL)

The petitioners in this petition are seeking the benefit of the instructions of the Haryana Government dated 16.04.2012, Annexure P-2, by which all employees of the Haryana Government, whose dates of annual increments in their respective pay scales fell between 01.07.2006 to 01.01.2007, were to be given that annual increment with effect from 01.07.2006 itself and not on the usual dates when the increment would accrue to them as per normal process. Thereafter, the increments were to be given to all employees of the Haryana Government, in the future also, on the 1st of July of every year.

The petitioners are working as Assistant/Associate Professors in different Government colleges located in Panchkula and Rohtak, but have

been denied the said benefit, with the stand of the respondents, in their written statement, being as follows:-

“As per UGC recommendations dated 20.11.2013 there is no provisions for grant of one increment w.e.f. 1.1.2006 to those whose increments was due between February to June 2006 and F.D. Letter dated 16.04.2012 issued by State Government is not applicable to the petitioners.”

As to what the nexus is between the UGC instructions on the grant of different pay scales, to the issue of a uniform pattern of granting annual increments to the Haryana Government employees, is wholly un-understandable; and in fact learned counsel for the petitioners has pointed to the reply of the University Grants Commission, i.e. respondent no.4, wherein in paragraph 10, it is specifically stated as follows:-

“It is pertinent to mention here that since the question of grant of one additional increment for State Government Employees is exclusively within the domain of policy making power of the State Government. However, as stated supra, there is no provision for one additional increment in the U.G.C. Regulations, 2010”.

Very obviously the issue of grant of uniform annual increments to the State Government employees has nothing to do with the UGC, with the UGC only reiterating that there is no provision in its own instructions/regulations/rules, for the grant of additional increments.

Again obviously, the grant of an additional increment to Haryana Government employees, which includes Assistant Professors and Associate Professors, is wholly unrelated to the scales of the UGC.

Consequently, this petition is allowed and the respondents are

directed to recalculate the pay of the petitioners herein after the grant of an annual increment with effect from 01.07.2006, in terms of the Government instructions dated 16.04.2012. The benefit to be granted to the petitioners, including arrears of pay admissible to them, shall be paid within a period of three months, realisable if the Government wishes, from the person in the Finance Department who issued the 'advisory' contained in paragraph 3 of the reply of respondents no.2 and 3.

Costs of ₹10,000/- would also be paid to the petitioners.

(AMOL RATTAN SINGH)
JUDGE

July 25, 2017

Sunil Devi/Mehak

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No