

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

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**CWP-21287-2015 (O&M)
Date of decision: 14.03.2017**

Ram Dutt (Retd. DSP)

....Petitioner

Versus

State of Haryana and others

.... Respondents

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

Present: Mr.Kartar SinghMalik-I, Advocate for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

P.B. Bajanthri, J. (Oral)

In the instant petition, the petitioner has questioned the validity of the order dated 10.06.2014 and 11.09.2015 vide Annexures P4 and P6 respectively passed by 3rd respondent and further questioning the instructions dated 20.08.2010 (Annexure P-8) to issue directions to the respondents to grant one advance increment with reference to instructions issued by the respondents dated 21.10.2004 read with 31.05.2010.

2. The petitioner while working as Sub-Inspector earned police medal of meritorious service on 26.01.2001. The petitioner is entitled for one advance increment as per the policy decision vide Annexure P7 dated 21.10.2004. The petitioner while he was in service one advance increment has not been extended for no reasons however, he has continued in service and he was also given extension of service.

3. The respondents are of the view that petitioner is not entitled for one advance increment having regard to the fact that the petitioner has been granted the benefit of extension of service. He is entitled either of the one i.e. either advance increment or extension of service. In the present case, the petitioner had the benefit of extension of service. Therefore, he is not entitled for one advance increment as claimed by him. Perusal of Annexure P7 dated 21.10.2004 read with Annexure P5 dated 31.05.2010 no where it distinguished that police officer is not entitled for extension of service had he been granted the benefits of one advance increment for acquisition of police medal for meritorious service. In the absence of condition, the petitioner cannot be denied the benefit of one advance increment as per the order or scheme dated 21.10.2004. Annexure P5 dated 31.02.2010 do not speak of withdrawal of advance increment. Moreover, Annexure P5 is dated 31.05.2010 and Annexure P7 is dated 21.10.2004. During the intervening period if the advance increment is granted, the same cannot be withdrawn retrospectively by means of executive order like Annexure P-5 dated 31.05.2010.

4. Thus, in view of these facts and circumstances, the petitioner is entitled for one advance increment for acquisition of police medal for meritorious service on 26.01.2001. Therefore, the respondents are directed to extend the benefit of one advance increment to the petitioner on notional basis. Further the concerned respondent is directed to refix the pay and pension of the petitioner. However, arrears would be restricted to 36 months prior to filing of the present petition. The above exercise shall be completed

within a period of 4 months.

5. The other prayer of the petitioner is relating to grant of additional increment during his extension of service period. He has not pointed out any statutory provision so as to extend the benefit of one additional increment during extension of service period. Accordingly, 2nd prayer is rejected.

14.03.2017

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No