

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

CWP-17848-1998 (O&M)
Date of decision : 13.11.2018

Harjinder Singh

...Petitioner(s)

Versus

Punjab State Seeds Corporation Ltd.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Manvinder Dalal, Advocate,
for the petitioner.

Mr. Rajiv Atma Ram, Sr. Advocate,
with Mr. Brijesh Khosla, Advocate,
for the respondent.

JITENDRA CHAUHAN, J.

The petitioner seeks issuance of a writ in the nature of Certiorari, *inter alia*, for quashing impugned order dated 03.09.1998 (Annexure P-11) and order dated 24.09.1998 (Annexure P-12), whereby, the advance increments granted to the petitioner have been withdrawn.

The solitary submission raised by learned counsel is that the advance increments were granted to the petitioner under Rule 7.7 of the Bye-laws of the respondent-Corporation and there is no provision of review of order granting advance increments. Cites ***The General Manager, Northern Railway, Baroda House, New Delhi and another Vs. Madan Lal Chopra, Luggage Guard, Northern Railway and others (P&H)(DB), 1971(1) SLR 629.***

On the other hand, learned Senior counsel appearing on behalf of the respondents has vehemently argued that the then Managing Director first himself rejected the grant of increments to the petitioner on 20.12.1995 and thereafter, granted 2+1 increment w.e.f. 31.01.1996, the date on which he was to retire from service. Further submits that the increments granted to the employees by the then Managing Director stand already withdrawn except from one Bawa Dass, Driver, who already stood retired from service. Therefore, the allegations of discrimination are unfounded. Cites ***Satinder Singh Bajwa Vs. Registrar, High Court of Punjab and Haryana***, bearing CWP No.7418 of 1993, decided on 19.10.1995.

Heard.

Before proceeding further, it would be apposite to refer to the provisions of Bye-Law 7.7 (ibid), which is extracted hereinunder:-

“The appointing authority may in recognition of exceptionally good services of an employee of the Corporation grant to him

- a) An award not exceeding one-half of the pay of such employee.
 - b) One or two increments in the time scale of his pay.
- Provided that the Board may award any amount of money or grant any number of increments.”

A perusal of the above provision makes it abundantly clear that the grant of any such benefit referred to above shall be in recognition of exceptionally good services of an employee. In the instant case, there is no such reference in the orders of grant of increments about exceptionally good

service rendered by the petitioner nor the petitioner has referred to any such achievements by him. It has also come on record that as many as 15 employees, who were appointed in the month of January, 1996, were also given one additional increment by the then Managing Director after initial rejection on 20.12.1995 and were ultimately granted w.e.f. 31.01.1996. Thus, the order dated 31.01.1996 emerges as a whimsical order in favour of the petitioner and other employees by the then Managing Director on the eve of his retirement. In ***Satinder Singh Bajwa's case (supra)***, it has been laid down as under:-

“Before parting with the case, we consider it necessary to observe that practice of grant of pre-mature/advance increments does not have any sanction of law. From the record, it transpires that the incumbents of the office of the Chief Justice have granted increments to a large number of employees on the eve of their retirement. This practice cannot be commended particularly when it is being followed by the holder of the highest judicial post in the State. In the bygone days of kings and princes charity used to be distributed when the kind used to demit the office but in the present day system, people expect highest degree of restraint from those who hold judicial offices. The urge to distribute benefits on the eve of retirement has to be curbed by those who adorn the highest judicial offices. Even the grant of advance increment or additional increment with the avowed object of compensating the employee is not warranted. The only proper course open to compensate the employee for the loss, he may be put to in the discharge of his duties, is to make payment of specified allowances to him during the period he holds that post.

We hope that in future the practice of giving advance increments or pre-mature increments will not be followed.”

The case law cited by learned counsel for the petitioner is distinguishable on fact of the present case.

In view of the above, the action of the respondents in withdrawing the advance increments granted to the petitioner by passing speaking orders cannot be said to be illegal or perverse and the same is hereby upheld.

Accordingly, the instant petition, being devoid of any merit, is hereby dismissed.

13.11.2018
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No