

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.10557 of 2016 (O&M)
Date of decision: 2.5.2018

Somender and others

...Petitioners

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rajiv Narain Raina

Present: Mr. Sumit Sangwan, Advocate for the petitioners.

Mr. Harish Rathee, Sr. DAG Haryana.

Rajiv Narain Raina, J. (Oral)

Petitioner is identically placed in the same department and on the same post as the petitioner was placed in *CWP No.18882 of 2009 titled as Meghna Vs. Financial Commissioner and others decided on 29.7.2010*. Accordingly, the petitioner would be required to be treated in similar fashion. A similar condition was placed for the promotion order of the petitioner and was dealt with and over-ruled in *Meghna's case (supra)*. The relevant part of which is as follows:

“Can a person who is promoted and given a scale of the promoted post, denied increment on the ground that he/she did not fulfill the requirement of experience? Once promotion is granted by relaxing the experience clause then it may not be fair to deny increment on the ground that the employee has not requisite experience. The employee could have been denied promotion on the ground if the requirement of experience was so essential. Once the decision is taken to relax the requirement of experience, the consequential increment has to follow

and denial of the increment would sound unfair. After all, promotion not only leads to added responsibility but is looked upon as monetary incentive by an employee. Promotion without corresponding increase of the scale of promoted post would be no incentive for promotion.

To me, it will sound a bit strange that the pay scale stands granted but the petitioner is held not entitled to the increment. Once the requirement of experience was dispensed with, it would continue to have effect for the purpose of grant of increment as well.

I see no justification in the stand taken by the respondent in denying the increment to the petitioner once she is performing the higher responsibilities and is manning the higher post.”

The case of the petitioner is on the better footing today because there is no condition in the promotion order dated 14.8.2014 (Annexure P-5) regarding stoppage of annual increments for want of one year experience.

In view of the above, the petition is allowed. Impugned order dated 14.8.2014 (Annexure P-5) is quashed. The grant of increment cannot be made dependent on completion of condition of annual increments earned by annual length of service rather dependent on experience gained during the year. Annual increments are the building blocks of running pay scale. The petitioners are held entitled to increment as per rules, on completion of one year service on the promoted post. The arrears due shall be released to the petitioner within a period of three months from the date of receipt of certified copy of this order.

2.5.2018
Meenu

(Rajiv Narain Raina)
Judge

Whether speaking / reasoned : Yes/No
Whether reportable : Yes/No