

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

CWP-11838-2015 (O&M)

Date of Decision: 12.10.2018.

Kailash Dua and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. R.K. Arora, Advocate,
for the petitioners.

Ms. Bhawna Gupta, DAG Punjab.

JITENDRA CHAUHAN.J.

The instant petition has been filed by the petitioners for quashing the part of memo dated 25.02.2014 (Annexure P-13) and memo dated 15.01.2015 (Annexure P-14) whereby it had been clarified that the petitioners who were National Awardees will be paid their pensionary benefits on the basis of last pay at the age of 58 years and not at the age of 60 years and consequently their two annual increments granted to them during extension on account of National Award for outstanding Teachers were withdrawn and their pay was reduced. The petitioners also pray for issuance of directions to grant/restore their two annual increments granted on the basis of instructions prevalent on the date of grant of extension period with all consequential benefits.

The facts are that the petitioners are recipients of National Award for Best Teachers during service. The government of Punjab vide decision dated 28.02.1985 (Annexure P-2) had decided to

grant two years' extension in service after superannuation to the teachers of the Punjab Education Departments who are winners of National Awards, if they are physically and mentally fit, on the basis of their merit adjudged on their winning of the National award. On account of their extension, they were allowed benefit of two annual increments.

On the other hand, the stand of the respondents is that the increments granted to the petitioners have been withdrawn on the ground that the Government of Punjab in the Department of School Education vide its letter dated 25.02.2014 (Annexure P-13) had taken a policy decision that such teachers are not entitled for annual increments and they will draw their pay during extension equal to last pay drawn by them on the date of their retirement and excess amount paid to such teachers was ordered to be recovered.

Heard.

It is not disputed that all the petitioners had availed their two years' extension in service on account of being National Awardees and have earned annual increments prior to issuance of instructions dated 25.02.2014 (Annexure P-13). The benefit already earned by them on the basis of prevalent instructions on the date of grant of extension in service or during extension cannot be permitted to be withdrawn on the basis of subsequent instructions by applying the same with retrospective effect. The petitioners were granted extension

in service on the basis of instructions dated 28.02.1985 (Annexure P-2). They were granted benefit of annual increments during extension on the basis of clarification dated 10.06.1999 (Annexure P-10) from respondent No.3. It is admitted that a large number of similarly situated persons have been given such benefit and after retirement, they were granted pensionary benefits on the basic pay including two increments were given to them being National Awardees. A similarly placed employee, Narinder Singh, Deputy CEO (since retired) was also been given the same benefit as finds mentioned in Annexure P-17.

In view of above, the present civil writ petition is allowed. The impugned Memo dated 25.02.2014 (Annexure P-13) is held to be not applicable to the case of the petitioners so as to deny them benefit of annual increments already earned by them as per prevalent instructions during the period of their extension in service. The memo dated 15.01.2015 (Annexure P-14) is also set aside. The respondents are directed to restore two annual increments to the petitioners with all consequential benefits. The needful be done within a period of two months from the date of receipt of certified copy of this order.

12.10.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

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