

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

Date of decision: 25.09.2018

CWP No.13385 of 2015 (O&M)

Dalip Singh & others

...Petitioners

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. D.R.Bansal, Advocate, for the petitioners.

Mr. Harish Rathee, Sr. DAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

The petitioners have approached this Court praying for directions to the respondents to grant them increment on promotion as Sub Divisional Officer/s claiming their right and entitlement under Rule 4.4 of the Punjab Civil Service Rules, Volume I, Part I as applicable to Haryana read with Rule 13 of the Haryana Civil Services (Revised Pay) Rules, 2008.

The right to increment as prayed for in this case is no longer res integra. The petitioners' claim is covered by the judgment of this Court in CWP 13077 of 2010 titled 'Joginder Singh Vs. State of Haryana & another' decided on 31.08.2013. This issue was more elaborately thrashed out by the learned Single Judge in CWP No.3922 of 2011 titled 'Narender Pal Singh Arya & another Vs. State of Haryana & others' & 51 connected petitions decided on 03.10.2016. The learned Single Judge set aside the re-fixation of pay of the petitioners in that bunch of cases in terms of clarification given in

letter/instructions dated 13.05.2010 (Annex P-5) and 09.04.2010 (Annex P-6). The recovery orders have also been set aside as a consequence. The petitioners, who are in service, shall continue to draw their salaries as drawn by them earlier, whereas those, who stand retired from service, will continue to draw the pension as fixed earlier at the time of retirement. An intra court appeal bearing LPA No.2460 of 2017 against the said order carried by the State of Haryana failed on 31.07.2018 by judgment and order passed after noticing facts in issue which fell for consideration before the learned Single Judge in some detail without expressing opinion since ultimately the appeal was dismissed on the ground of delay of 409 days in filing the same without satisfactory grounds shown for condoning the huge delay.

Mr. Rathee submits that the dismissal of the appeal is only on the ground of delay and no opinion has been expressed on the merits of the cases.

However, I do not find any sufficient ground to postpone the decision in this case for the future in the event of appeal being filed in the Supreme Court keeping in view the fact that the matter is presently covered by the ratio of the aforesaid two decisions.

Consequently, the instant petition is allowed in terms of judgment and orders passed in Narender Pal Singh Arya's case (supra). The consequential benefits be worked out and released/granted to the petitioners within a period of three months from the date of receipt of certified copy of this order.

25.09.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether reportable:</i>	<i>No</i>