

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

(213)

CWP-3915-2016

Date of Decision: December 18, 2018

Satnam Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunny Singla, Advocate, for the petitioner.

Ms. Anju Arora, Addl. A.G., Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present case, the challenge is to the order passed by the respondents on 20.11.2015 by which, the claim of the petitioner that he is entitled for two increments upon promotion on the basis of the Punjab Government Notification dated 15.01.2003, has been rejected.

The factual matrix as mentioned in the writ petition is that the petitioner was appointed as a JBT Teacher on 21.05.1975. Thereafter, he was promoted as a Head Teacher on 17.07.2001 and after that the petitioner was promoted as a Central Head Teacher on 04.01.2006. While working as Central Head Teacher, the petitioner retired from service on 30.04.2008. At the time when the petitioner was granted the promotion as Central Head Teacher on 04.01.2006, the Department granted the petitioner the benefit of two increments while fixing his pay in the higher post keeping in view the notification of Punjab Government dated 15.01.2003, according to which an employee will get two increments on promotion in case, he is already getting more than the minimum pay scale of the higher post.

Later on, the pay scales were revised by the Government of Punjab and the new pay scale came into being w.e.f. 01.01.2006. As per the

Rule 11 of the New Revised Pay Rules, an employee was entitled for only one promotional increments instead of two, which were being earlier granted as per the notification dated 15.01.2003.

As the petitioner had already been granted two increments on 04.01.2006, the respondents reconsidered his case and issued him a show cause notice on 13.01.2010 wherein, the Department was asked to look into the grant of increments upon as promotion. Thereafter, the petitioner challenged the said letter by filing CWP No.8841 of 2013 and the same was disposed of by this Court on 30.04.2015, directing the respondents to decide his representation within a period of four months. Petitioner filed a detailed representation with the respondents and keeping in view the order passed by this Court on 30.04.2015 in CWP No.8841 of 2013, the respondents rejected the claim of the petitioner vide order dated 20.11.2015. This order is under challenge in the present writ petition.

Learned counsel for the petitioner contends that once, the petitioner had already been granted increments under the notification dated 15.01.2003, under which the petitioner was entitled for two increments upon promotion, no fault can be found with regard to the grant of two increments on 04.01.2006 when the petitioner was promoted as Central Head Teacher and therefore, the withdrawal of the same by the respondents is arbitrary, illegal and contrary to the notification dated 15.01.2003 as well as the letter of the office of Accountant General, Punjab dated 13.01.2010 Annexure P-3.

The arguments being raised by counsel for the petitioner cannot be accepted. No doubt, the petitioner was granted the benefit under the notification dated 15.01.2003, according to which, the petitioner was

entitled for the grant of two increments but the notification dated 15.01.2003 became inoperative w.e.f. 01.01.2006 after the new Rules were promulgated by the State of Punjab. In these Rules, which became effective from 01.01.2006, according to Rule 11, an employee was entitled for only one increment on promotion. The promotion date of the petitioner is 04.01.2006 and therefore on the date when the petitioner was promoted as a Central Head Teacher, only the revised pay Rules, which were effective from 01.01.2006 were in operation and not the earlier notification dated 15.01.2003 under which inadvertently, the petitioner was granted two increments. Therefore, the Rules which were applicable on the date of promotion, is to govern the service. There is no recovery which is to be made from the petitioner, only his pay is to be refixed according to correct interpretation of the Rules which were enforced on the day when the petitioner was promoted i.e. 04.01.2006. As it is not disputed that on the date of promotion of the petitioner as Central Head Teacher on 04.01.2006, the revised pay Rules were in operation w.e.f. 01.01.2006, according to which only one increment was allowed, no fault can be found in the order by which the representation of the petitioner has been rejected. The petitioner was not entitled for two increments on the day when he was promoted on 04.01.2006.

Keeping in view the above, no fault can be found in the order by which the representation filed by the petitioner has been rejected.

The writ petition stands dismissed, with no order as to costs.

(HARSIMRAN SINGH SETHI)
JUDGE

December 18, 2018
harsha

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