

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

CWP-29751-2019 (O&M)

Date of decision:- 16.10.2019

Surender Kumar and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJIV SHARMA

Present:- Mr. S.K. Malik, Advocate,
for the petitioners.

Mr. Sharad Aggarwal, Assistant Advocate General, Haryana,
for the respondents.

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RAVI SHANKER JHA, C.J. (ORAL)

The main relief claimed in this petition is quashing of rule 10 of The Haryana Civil Services (Revised Pay) Rules, 2008, to the extent that the same denies annual increment to the employees who retire on 30th June despite the fact that these employees have completed requisite six months or more service, as required by an employee to earn annual increment as per the said rule, in their retiring year. Further, a writ of mandamus is also claimed directing the respondents to re-fix the pension of the petitioners accordingly after taking into account the annual increment to which they would be entitled to.

Mr. Sharad Aggarwal, learned Assistant Advocate General, Haryana, on the basis of the instructions, states that the issue was under active consideration of the State Government and, vide letter dated 28.03.2019, the issue has been referred to Secretary, Government of India, Ministry of Personnel, Public Grievances and Pension, New Delhi, seeking

clarification with respect to the factual position regarding the issue in question.

Vide the aforesaid letter a request has been made to the Central Government to provide at the earliest the information sought and the relevant documents in connection therewith to enable the Government of Haryana to take an appropriate decision in all the pending cases accordingly.

It may be relevant to note that rule 10 of the Haryana Civil Services (Revised Pay) Rules, 2008, is *pari materia* to the rules framed by the Central Government for its employees in this regard. Mr. Sharad Aggarwal further states that as soon as the relevant information is received from the Central Government, an appropriate decision shall be taken by the State of Haryana at the earliest.

In view of the above, learned counsel for the parties have reached a consensus that this petition be disposed of with a direction to the State of Haryana to take an appropriate decision with regard to the issue involved in this petition soon after receiving the requisite information sought from the Central Government. Needless to say that if the orders passed in this regard or the decision goes against the petitioners, it shall always be open to them to challenge the same before an appropriate forum by initiating appropriate proceedings.

With the aforesaid observations and directions, the writ petition stands finally disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(RAJIV SHARMA)
JUDGE

16.10.2019
Amodh

AMODH SHARMA
2019.10.18 16:02
I attest to the accuracy and
integrity of this document

whether speaking/reasoned	Yes/No
whether reportable	Yes/No