

CWP-109-2015

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-109-2015

Date of Decision: 14th January, 2020

Narinder Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Surinder Garg, Advocate,
for the petitioner.

Mr. Charanpreet Singh, Asstt. A.G., Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court with a grievance that he has not been granted the annual increments w.e.f. 1984 and arrears be paid to him along with interest at the rate 18%.

Petitioner was appointed as Junior Engineer on 01.06.1978 and he retired as such on 30.11.2012 from Fatehgarh Sahib Division, Department of Rural Development, Punjab. Petitioner asserts that during the period of his service w.e.f. 1984, he has not been granted annual increments and the other benefits. The retiral benefits have been granted to the petitioner treating him at the pay, which he was drawing in the year 1984. Prayer has, thus, been made for issuance of a writ of *mandamus* directing the respondents to grant him annual increments during his

service and pensionary benefits including arrears along with interest.

Upon notice having been issued, the stand which has been taken by the respondents is that the petitioner, as per the terms of appointment and the statutory rules governing the service, was required to pass a departmental examination. Since the petitioner did not pass the departmental examination, he was not entitled to the grant of annual increments as per the statutory rules.

In the light of the stand taken by the respondents, the prayer made by the petitioner cannot be accepted. It may be added here that the petitioner had not agitated with regard to the non grant of his annual increments since the year 1984. It is only after his retirement that the petitioner has approached this Court. The explanation which has been put forth by the counsel for the petitioner for non agitation of the petitioner about his non grant of annual increments is the loss of the service book of the petitioner, for which he cannot be held responsible.

This plea as taken by the counsel for the petitioner cannot be accepted as it is unacceptable and unbelievable that an employee, who is not getting any increment from 1984, did not agitate his claim with regard to the said fact nor did he ever put forth the claim for the grant of annual increments.

Another plea which has been taken by the learned counsel for the petitioner is that the petitioner was not aware that he has not passed the departmental examination. Suffice it to say that had the petitioner

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agitated with regard to non grant of annual increments, he would have been informed about the fact that he has not passed the departmental examination. In any case, this being a part of terms and conditions of the appointment as per the statutory rules, the same is not required to be informed to the employee as the rules stand published.

In view of the above, finding no merit in the present writ petition, the same stands dismissed.

14th January, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No