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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-17846-2015 (O&M)  
Date of Decision: 10.10.2023

Bal Krishan Mehta

. . . . Petitioner

Vs.

State of Punjab and another

. . . . Respondents

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**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**

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Present: Mr. Raman Sharma, Advocate, for the petitioner.

Mr. Paramjit Batta, Addl. A.G., Punjab.

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**SANJEEV PRAKASH SHARMA, J.(Oral)**

1. Learned counsel for the petitioner has contended that the petitioner was granted two increments because of his past military service by the respondents. However, after coming into force of the Central Civil Services (Revised Pay) Rules, 1986, the said two increments merged with his salary. It is submitted that he should have been allowed to be given two increments under the new pay scales also.
2. Learned counsel submits that for the purpose of granting the petitioner two increments, he had deposited back the gratuity which he received from the Armed Forces along with interest to the State authorities in the year 1982, but the benefit which he has incurred is only of a sum of Rs.3,490/- alone, and therefore he may be paid back the said amount of gratuity which he had deposited as an alternative prayer along with interest.
3. This Court vide order dated 12.10.2018 noticed his averments and asked the State counsel to take appropriate instructions, whereafter the amount

along with interest was handed over to the petitioner on 14.07.2022 vide cheque for a sum of Rs.1,46,792/-.

4. The petitioner's counsel now submits that he is ready to deposit the said amount back to the State government if this Court passes an order in his favour of granting the benefit of two increments continuously till his date of retirement and to add the same for the purpose of retiral benefits.
5. I have considered the submissions.
6. The petitioner coming before this Court cannot be allowed to blow hot and cold at the same time. Once he has withdrawn the amount of gratuity paid to him during Armed Forces Services along with interest from the State authorities, the State authorities are no more bound to give him the benefit of the increments.
7. The increments which the petitioner received for the period from 1982 to 1986 are also required to be withdrawn. His pay fixation would also be required to be done accordingly. The approach of the petitioner is deprecated.
8. This Court would not allow an individual to take benefit also of the lump sum amount which he has received from the State government, and further also claim benefits which are no more available to him.
9. Writ Petition is accordingly *dismissed* with aforesaid observations.
10. All pending applications also stand disposed of.

**(SANJEEV PRAKASH SHARMA)**  
**JUDGE**

**October 10, 2023**

*Mohit goyal*

1. Whether speaking/reasoned?
2. Whether reportable?

*Yes/No*  
*Yes/No*