IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17139 of 2023

==

Ashok Singh son of Late Bishwanath Singh, resident of Mohalla Sri Krishna Nagar, Police Station Budha Colony, District Patna.

... ... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Secretary, Finance Department, Government of Bihar, Patna.
4. The Special Secretary, Rural Works Department, Government of Bihar, Patna.
5. The Accountant General Bihar, Patna.

... ... Respondent/s

==

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan, SC-25 Mr. Arif Daula Siddiqui, AC to SC-25
For the Accountant General	:	Mr. Raj Nandan Prasad, Advocate Mr. Vishesk Kumar Singh, Advocate

==

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 19-01-2024

Heard Mr. Sanjeev Kumar Singh, learned counsel appearing on behalf of the petitioner, Mr. Arif Daula Siddiqui, learned AC to SC-25 and Mr. Raj Nandan Prasad, learned counsel for the Accountant General, Bihar.

2. The petitioner, who superannuated on 30.06.2023, from the post of Executive Engineer, Works Division, Kahalgaon, Bhagalpur, has filed the present writ petition seeking a direction upon the respondent authorities to grant annual increment and consequential enhancement of pensionary

WEB COPY

benefits for the services rendered prior to his retirement, on due consideration to his representation dated 19.04.2023, 23.05.2023 and 09.10.2023, in view of the order dated 11.04.2023, passed by the Hon'ble Supreme Court in **Civil Appeal No. 2471 of 2023** in the case of ***Director (Admn. and HR) KPTCL & Ors. Vs. C. P. Mundinamani & Ors***.

3. It is submitted on behalf of the petitioner that admittedly, the petitioner superannuated on 30.06.2023 and the annual increment is to be granted on the fixed date i.e. 1st July of each year. The annual increment is granted for the services rendered in the previous year, thus, the annual increment was required to be granted to the petitioner and other Government servants on 01.07.2021, for the services rendered for the period from 01.07.2021 to 30.06.2022. Similarly, the petitioner is also entitled for the annual increment for the services rendered between 01.07.2022 to 30.06.2023, but as the petitioner was to superannuate on 30.06.2023, he has been denied one increment.

4. On being aggrieved, the petitioner made several representation, but to no avail. It is vehemently submitted that the case of the petitioner is squarely covered by the judgment rendered by the Apex Court in the case of ***Director (Admn. and HR) KPTCL & Ors. (supra)*** reported in ***2023 (3) BLJ (SC) 91***.

WEB COPY

Heavy reliance has been made on para 6.5 of the aforenoted judgment, which reads as follows:

> *"6.5 Now, so far as the submission on behalf of the appellants that as the increment has accrued on the next day on which it is earned and therefore, even in a case where an employee has earned the increment one day prior to his retirement but he is not in service the day on which the increment is accrued is concerned, while considering the aforesaid issue, the object and purpose of grant of annual increment is required to be considered. A government servant is granted the annual increment on the basis of his good conduct while rendering one year service. Increments are given annually to officers with good conduct unless such increments are withheld as a measure of punishment or linked with efficiency. Therefore, the increment is earned for rendering service with good conduct in a year/specified period. Therefore, the moment a government servant has rendered service for a specified period with good conduct, in a time scale, he is entitled to the annual increment and it can be said that he has earned the annual increment for rendering the specified period of service with good conduct. Therefore, as such, he is entitled to the benefit of the annual increment on the eventuality of*

WEB COPY

> *having served for a specified period (one year) with good conduct efficiently. Merely because, the government servant has retired on the very next day, how can he be denied the annual increment which he has earned and/or is entitled to for rendering the service with good conduct and efficiently in the preceding one year.*

5. On the other hand, learned counsel for the State submits that since the representation of the petitioner is already pending consideration, the same shall be considered and disposed of, in accordance with law.

6. Considering the submissions made on behalf of the parties and taking note of the judgment cited by the learned counsel for the petitioner, the present writ petition stands disposed of with a direction to the respondent no. 2, to consider the representation of the petitioner, in the light of the order dated 11.04.2023, passed by the Hon'ble Apex Court in [Civil Appeal No. 2471 of 2023] ***Director (Admn. and HR) KPTCL & Ors. (supra)***, preferably within a period of eight weeks, from the date of receipt/production of a copy of this order.

7. Needless to observe that, in case, the claim of the petitioner is found admissible, in the light of the judgment noted hereinabove, the consequential benefits must be given to the petitioner, within the stipulated period.

WEB COPY

8. Accordingly, the present writ petition stands disposed of.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.01.2024.
Transmission Date	NA

WEB COPY