IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205 **CWP-15806-1997**
Date of Decision: 21.02.2024

Suraj Mal **…Petitioner(s)**

Versus

State of Haryana and another **…Respondent(s)**

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Kapil Kakkar, Advocate for the petitioner

Ms. Tanushree Gupta, DAG, Haryana
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TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed seeking the benefit of one special increment in the form of personal pay to the petitioner for undergoing sterlisation in view of instructions issued by the Government on 20.07.1981 and 11.12.1995, Annexure P-1 and P-6 respectively.

2. Briefly, as per facts apparent on record, the petitioner had undergone sterlisation on 22.11.1993 and was given special increment on that account in terms of the government policy to promote small families. The benefit was, however, withdrawn and the amount paid to him was also recovered on 19.09.1995.

3. It has been contended by learned counsel for the petitioner that the action was illegal, as the benefit once granted could not have been withdrawn, nor could any recovery have been made. Besides, it is in violation of the Principles of Natural Justice as well; no notice was issued to him before taking the action.

4. Learned State counsel, on the contrary, contends that the petitioner was not entitled to the claimed benefit of special increment as the policy giving the benefit was discontinued with effect from 01.03.1991, vide instructions dated 28.02.1991, Annexure R-1. It was due to inadvertence that one special increment was given to the petitioner which was not permissible. Since the petitioner was not entitled to the benefit, the amount paid to him was rightly withdrawn.

5. Heard.

6. It is not disputed that the petitioner had undergone sterlisation on 22.11.1993, and by that time the policy granting the benefit of special increment on that account, dated 20.07.1981, had already been withdrawn vide instructions dated 28.02.1991. Therefore, the benefit was clearly not admissible to the petitioner on the date it was given. In case the mistake was corrected by withdrawing the benefit and recovering the amount wrongly credited to him, no exception can be taken to it as the decision was in line with the applicable Government policy.

7. In view thereof, there is no merit in the petition, and it stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

21.02.2024
Payal

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*