



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

110

CWP-16091-2024

Date of decision: 17.07.2024

Umedwati

...Petitioner

Versus

Maharishi Dayanand University

...Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Sankalp Gehlawat, Advocate for the petitioner.

Mr. Amit Rao, Advocate for the respondent.

DEEPAK SIBAL, J.(ORAL)

1. Through the present petition, the petitioner seeks issuance of directions to the respondent to refix her pension after granting her the annual increment which had accrued to her on 01.07.2011 and had been denied only for the reason that she had superannuated on 30.06.2011.

2. The issue as to whether employees, after rendering satisfactory service for 12 months and retiring a day prior to the date of accrual of their annual increment are entitled to the grant thereof has now been settled in the employees' favour by the Supreme Court in its decision dated 11.04.2023 passed in Civil Appeal No.2471 of 2023 (SLP(C) No.6185 of 2020) – *The Director (Admn. And HR) KPTCL & others Vs. C.P. Mundinamani and others*. The relevant paragraphs of the said judgment are reproduced below

for reference:-



“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 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.

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7. In view of the above and for the reasons stated above, the Division Bench of the High Court has rightly directed the appellants to grant one annual increment which the original writ petitioners earned on the last day of their service for rendering their services preceding one year from the date of retirement with good behaviour and efficiently. We are in complete agreement with the view taken by the Division Bench of the High Court. Under the circumstances, the present appeal deserves to be dismissed and is accordingly dismissed. However, in the facts and circumstances of the case, there shall be no order as to costs.”

3. Learned counsel for the respondents has not been able to distinguish the afore law laid down by the Supreme Court in **C.P. Mundinamani’s case** (supra). We also find that **C.P. Mundinamani’s case** (supra) fully covers the case of the petitioner in her favour and against the respondent.

4. In the light of the above, the present petition is allowed and the petitioner is held entitled to the grant of increment which accrued to her on

01.07.2011, with all consequential benefits. However, since the petitioner



has filed the present petition after an unexplained delay of nearly 13 years it is directed that the afore benefit shall be given to her notionally as on 01.07.2011 and the payment of arrears after the grant of the said benefit shall be restricted to 38 months prior to the filing of the instant petition.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

17.07.2024
Sapna

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No