

CWP-20398-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Sr. No.111CWP-20398-2024Date of decision: 27.08.2024

Baltar Singh and others

....Petitioners

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Rajbir Singh Kadian, Advocate  
for the petitioners.

Mr. Sanjeev Kaushik, Addl. A.G., Haryana.

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**DEEPAK SIBAL, J. (Oral)**

1. Through the present petition, the petitioners seek issuance of directions to the respondents to refix their pension after granting them the annual increment which had accrued to them on 1<sup>st</sup> of July of the year of their retirement and had been denied only for the reason that they had retired on a day prior to the afore accural i.e. 30<sup>th</sup> June.

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 petitioners in their favour and against the respondents.
4. In the light of the above, the present petition is allowed and the petitioners are held entitled to the grant of increment which accrued to them on 1<sup>st</sup> of July of the year of their superannuation, with all consequential benefits.

(DEEPAK SIBAL)  
JUDGE

(DEEPAK MANCHANDA)  
JUDGE

August 27, 2024  
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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |