

LPA No.2276 of 2024 (O&M)

2024-PHHC-123104-DB



**119 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**LPA No.2276 of 2024(O&M)
Decided on :18.09.2024**

State of Punjab and ors.

.....Appellants

VERSUS

Jasbir Singh

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Mr. R.S. Pandher, Sr. DAG, Punjab
for the appellants.

LISA GILL, J (ORAL)

1 Prayer in this appeal is for setting aside order dated 01.03.2024 whereby CWP No.9934 of 2022 filed by respondent-writ petitioner has been allowed in view of decision dated 12.10.2018 passed in CWP No.11838 of 2015 titled as 'Kailash Dua and others Vs. State of Punjab and others'.

2 Respondent-writ petitioner filed above said writ petition for setting aside order dated 11.02.2022 whereby his claim for restoration of his two annual increments accrued and given to him during extended term of his service on account of being 'National Awardee' was declined. It is the case of writ petitioner that two increments which had been given to him were incorrectly withdrawn. He was compelled to refund the amount as is mentioned in para 9 of writ petition, when he was granted the benefit of further extension in service. Two increments which writ petitioner is stated to be have earned while in service on account of

enhancement of his age of retirement from 58 to 60 years on account of being 'National Awardee' were statedly withdrawn without any notice or opportunity of hearing and were not included while determining his retiral benefits. Learned Single Bench while considering the decision dated 12.10.2018 in *Kailash Dua's* case (supra) concluded that matter is covered on all fours in favour of writ petitioner. Relevant portion of decision in *Kailash Dua's* case (supra) as reproduced in para 6 of impugned order reads as under:-

"It is not disputed that all the petitioners had availed their two years' extension in service on account of being National Awardees and have earned annual increments prior to issuance of instructions dated 25.02.2014 (Annexure P-13). The benefit already earned by them on the basis of prevalent instructions on the date of grant of extension in service or during extension cannot be permitted to be withdrawn on the basis of subsequent instructions by applying the same with retrospective effect. The petitioners were granted extension in service on the basis of instructions dated 28.02.1985 (Annexure P-2). They were granted benefit of annual increments during extension on the basis of clarification dated 10.06.1999 (Annexure P-10) from respondent No.3. It is admitted that a large number of similarly situated persons have been given such benefit and after retirement, they were granted pensionary benefits on the basic pay including two increments were given to them being National Awardees. A similarly placed employee, Narinder Singh, Deputy CEO (since retired) was also been given the same benefit as finds mentioned in Annexure P-17.

In view of above, the present civil writ petition is allowed. The impugned Memo dated 25.02.2014 (Annexure P-13) is held to be not applicable to the case of the petitioners so as to deny them benefit of annual increments already earned by them as per prevalent instructions during the period of their extension in service. The memo dated 15.01.2015 (Annexure P-14) is also set aside. The respondents are directed to restore two annual increments to the petitioners with all consequential benefits. The needful be done within a period of two months from the date of receipt of certified copy of this order."

3 It is informed that decision dated 12.10.2018 in *Kailash Dua's* case (supra) has not been challenged by the State and has in fact been implemented.

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4 Learned counsel for State is unable to point out any distinction in the present case which would persuade us to cause interference in this appeal. No other arguments addressed.

5 There is a delay of 165 days in filing of this appeal. As the appeal has been adjudicated upon merits, adjudication on the application for condonation of delay is rendered academic. Application is disposed of accordingly.

6 Appeal is, accordingly, dismissed.

7 Pending application(s), if any, also stands disposed of accordingly.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

18.09.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No