



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CWP-17741-2000
DECIDED ON:17.09.2025

H.C. RANVIR SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Manvender Rathi, Advocate
for the petitioner.

Mr. Rahul Dev Singh, Addl. AG Haryana

SANDEEP MOUDGIL, J

1. Prayer

The petitioner has approached this Court under Articles 226/227 of the Constitution of India, seeking a writ of Mandamus directing the respondents to release annual increments w.e.f. 18.07.1995 to 30.11.1998.

2. Brief Facts

The petitioner was initially appointed as a Constable in Haryana Police on 25.08.1982. He resigned on 19.04.1990 to join as Taxation Inspector in the Excise and Taxation Department. However, the selection to the post of Taxation Inspector was later quashed by the Supreme Court, and his services were consequently dispensed with. Thereafter, he approached this Court by way of CWP No. 2872 of 1997, which was disposed of *vide* order dated 15.12.1997, directing consideration of his representation. Pursuant thereto, the petitioner was reinstated as Head Constable *vide* order dated 06.11.1998, with a stipulation that the intervening period would be treated as “*leave of the kind*



due.” On 27.09.1999, the respondents passed an order treating the period from 18.07.1995 to 30.11.1998 as Extraordinary Leave without medical certificate. Consequently, while fixing his pay on 15.11.1999, increments for the said period were denied.

Aggrieved, the petitioner submitted representations which were rejected. Hence, this petition.

3. **Contentions**

On behalf of Petitioner

Learned counsel for the petitioner contends that while reinstating the petitioner on 06.11.1998, the competent authority had directed that the intervening period be treated as “*leave of the kind due*”. Once such a declaration was made, the petitioner could not be treated as absent from service, and denial of increments for that period is wholly unjustified.

It was further argued that Rule 4.7 of the Punjab Civil Services Rules, Vol.-I, Part-I (hereinafter referred as Rules), provides that annual increments are to be granted as a matter of course unless they are specifically withheld by the competent authority for unsatisfactory conduct or performance. Since no such order withholding increments was ever passed against the petitioner, the respondents were not justified in denying him the benefit of increments.

Further, the counsel also pressed into service the principle of parity, urging that similarly situated employees, were granted increments for the intervening period, and denial of the same benefit to the petitioner was arbitrary and discriminatory.

On behalf of Respondents



Per contra learned State counsel argued that the petitioner's claim was misconceived in light of the statutory provisions under Rule 4.9(b)(ii) of the Rules, which specifically excludes extraordinary leave taken without medical certificate from being counted for increments. The period from 18.07.1995 to 30.11.1998 was consciously treated as extraordinary leave without medical certificate, and therefore, the petitioner could not claim increments for the said period.

It is further submitted that the reliance by the petitioner on Rule 4.7 of the Rules is totally misplaced, as the present case is squarely covered by the exception of the Rule 4.7 as laid under Rule 4.9(b)(ii).

The counsel for the respondent-State vehemently argued that the petitioner was out of service during the relevant period, and increments can only accrue for service actually rendered or for periods counted as service under the rules. Hence, the writ petition is misconceived and deserves dismissal.

4. Analysis

Having heard learned counsel for both parties and upon perusal of the material place on record, this Court is of the opinion that the central issue for determination is whether the petitioner is entitled to annual increments for the period from 18.07.1995 to 30.11.1998, which the respondents have treated as Extraordinary Leave without medical certificate.

At the outset, it is not disputed that the petitioner was not in active service during the said period and his reinstatement as Head Constable came only on 06.11.1998, and the competent authority, after due consideration, treated the intervening absence as extraordinary leave without medical certificate and this order attained finality. Once the competent authority has



exercised its discretion under the applicable rules, the legal consequences of such categorization must follow.

Adverting to another contention raised by the petitioner wherein he relies upon Rule 4.7 of the Punjab Civil Services Rules, Vol.-I Part-I, to contend that increments are a matter of course unless withheld for misconduct or unsatisfactory performance. However, in the opinion of this Court, the reliance is wholly misplaced as Rule 4.7 is a general provision and applies where the employee continues in service uninterruptedly. In contrast, Rule 4.9(b)(ii), a specific provision, directly governs the consequences of periods of extraordinary leave and thereby the case of the petitioner. It categorically provides that extraordinary leave taken otherwise than on medical certificate shall not count for increments. The relevant provisions have been reproduced below:-

'Increment 4.7:- An increment was ordinarily be drawn as a matter of course, unless it is withheld. An increment may be withheld from a government employee by Competent Authority if his conduct has not been good or his work has not been satisfactory. In ordering the withholding an increment, the withholding authority shall state the period for which it is withheld, and whether postponement shall have the effect of postponing future increment'.

4.9 (b) (II) All leave except extra ordinary leave taken otherwise than on medical certificate and the period of deputation out of India shall count for increment in the time-scale applicable to a post in which a government employee was officiating at the time he proceeded on leave or deputation out of India and would have continued to officiate but for his proceeding on leave or deputation out of India.'



The controversy turns on the interpretation of Rule 4.9(b)(ii). It is a settled principle that the starting point of statutory interpretation is the text itself. Where the words of a statute or rule are clear and categorical, courts must give them their plain and ordinary meaning. Rule 4.9(b)(ii) of the Rules, leaves no scope for doubt as it provides that extraordinary leave without medical certificate shall not count for increments, save where the competent authority records satisfaction that such leave was necessitated by circumstances beyond the employee's control.

In the present case, no such satisfaction has been recorded and Rule 4.9(b)(ii) squarely applies and excludes the petitioner's claim. The Service Rules establish a deliberate scheme wherein Rule 4.7 of the Rules embodies the principle of accrual, while Rule 4.9(b)(ii) of the Rules restricts accrual in cases of absence without medical justification. To interpret otherwise would render Rule 4.9(b)(ii) nugatory, a result the Court must avoid.

This court is sanguine of the tenets of service jurisprudence which clarify that an increment is neither a bounty nor a mere ritual, but a reward for the satisfactory discharge of duties during a period of service. Increments are an incident of service, not a vested right independent of service. It presupposes actual service or deemed service in accordance with the rules. When the employee is not in service, the right to increment does not accrue. The Supreme Court has consistently held that increments are not automatic where the period is not reckoned as duty under the relevant rules.

Furthermore, the petitioner also sought parity with other employees, but it is well settled that negative equality cannot be claimed in service law. If another person has been granted a benefit contrary to rules, that itself cannot be pressed as a precedent to compel the State to commit a similar illegality. The doctrine of equality under the Constitution is a positive concept and

cannot be stretched to perpetuate mistakes. Guidance may be derived for the Supreme Court in the case of “*R. Muthukumar v. Chairman and Managing Director Tangedco 2022 INSC 157*”, wherein it was held as follows:

“A principle, axiomatic in this country's constitutional lore is that there is no negative equality. In other words, if there has been a benefit or advantage conferred on one or a set of people, without legal basis or justification, that benefit cannot multiply, or be relied upon as a principle of parity or equality.”

In light of the above, this Court is of the considered opinion that the petitioner, having remained out of service during the relevant period, and the said period having been treated as extraordinary leave without medical certificate, cannot claim increments as of right. The petitioner’s case is governed squarely by Rule 4.9(b)(ii) of the Punjab Civil Services Rules, Vol. I Part I.

5. **Conclusion**

Accordingly, the present civil writ petition being devoid of merit is hereby dismissed.

17.09.2025
anuradha

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>:Yes/No</i>
<i>Whether reportable</i>	<i>:Yes/No</i>