



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

109

CWP-16419-2025 (O&M)

DATE OF DECISION : 29th May, 2025

Chaman Lal and others

.... Petitioners

Versus

State of Haryana and others

.... Respondents

**CORAM : HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUMEET GOEL**

* * *

Present : Mr. Anil Kumar Sharma, Advocate
for the petitioners.

Mr. Deepak Balyan, Additional Advocate
General, Haryana.

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SHEEL NAGU, CJ. (Oral)

1. The present petition has been filed by the employees of District Courts in the State of Haryana raising the issue that, despite having retired on 30th June or prior thereto in the year, in which they attained the age of superannuation, they are receiving pension without inclusion of the increment which fell due on 1st July in the said year.

2. The said controversy regarding entitlement of such employees who retired on 30th June, to the increment which fell due on 1st July in the said year, is no more res integra in the light of the decision of the Apex Court dated 11.04.2023 in Civil Appeal No.2471 of 2023 titled 'The Director (Admn. and HR) KPTCL & others vs. C.P.Mundinamani & others'.



2.1. Later on, the Apex Court in ‘**Union of India vs. M.Siddaraj**’ Civil Appeal No.3933/2023, passed certain clarificatory orders in **C.P.Mundinamani**’s case (supra). This clarification was rendered by an order dated 20.02.2025 and it was also noticed by a coordinate Bench of this Court on 24.04.2025 while deciding a Bunch of writ petitions including **CWP-14627-2025** titled ‘**Mahabir Singh Tanwar vs. State of Haryana and others**’ (Annexure P-8), which is reproduced below:-

“5. In another case of **Union of India Vs. M. Siddaraj** which was decided on 19.05.2023 in Civil Appeal No.3933/2023, the Hon’ble Supreme Court passed similar order. However, miscellaneous applications were filed seeking clarification of the orders and the Hon’ble Supreme Court passed the interim order on 06.09.2024. The said miscellaneous applications were ultimately decided by the Supreme Court by a detailed order on 20.02.2025. It was also noticed in the interim order dated 06.09.2024 and, we, therefore, quote the entire order for the purpose of disposal of these petitions as well:-

“Delay condoned.

We had passed the following interim order dated 06.09.2024, the operative portion of which reads as under:

“(a) The judgment dated 11.04.2023 will be given effect to in case of third parties from the date of the judgment, that is, the pension by taking into account one increment will be payable on and after 01.05.2023. Enhanced pension for the period prior to 31.04.2023 will not be paid.



(b) For persons who have filed writ petitions and succeeded, the directions given in the said judgment will operate as res judicata, and accordingly, an enhanced pension by taking one increment would have to be paid.

(c) The direction in (b) will not apply, where the judgment has not attained finality, and cases where an appeal has been preferred, or if filed, is entertained by the appellate court.

(d) In case any retired employee has filed any application for intervention/impleadment in Civil Appeal No. 3933/2023 or any other writ petition and a beneficial order has been passed, the enhanced pension by including one increment will be payable from the month in which the application for intervention/ impleadment was filed.”

We are inclined to dispose of the present miscellaneous applications directing that Clauses (a), (b) and (c) of the order dated 06.09.2024 will be treated as final directions. We are, however, of the opinion that Clause (d) of the order dated 06.09.2024 requires modification which shall now read as under:

“(d) In case any retired employee filed an application for intervention/ impleadment/ writ petition/ original application before the Central Administrative Tribunal/High Courts/this Court, the enhanced pension by including one increment will be payable for the period of three years prior to the month in which the application for intervention/ impleadment/ writ petition/ original application was filed.”

Further, clause (d) will not apply to the retired government employee who filed a writ petition/original



application or an application for intervention before the Central Administrative Tribunal/High Courts/this Court after the judgment in [“Union of India & Anr. v. M. Siddaraj”](#)¹, as in such cases, clause (a) will apply.

Recording the aforesaid, the miscellaneous applications are disposed of.

We, further, clarify that in case any excess payment has already been made, including arrears, such amount paid will not be recovered.

It will be open to any person aggrieved by non-compliance with the directions and the clarification of this Court, in the present order, to approach the concerned authorities in the first instance and, if required, the Administrative Tribunal or High Court, as per law.

Pending applications including all intervention/impleadment applications shall stand disposed of in terms of this order.

Contempt Petition (Civil) Diary Nos. 38437/2023, 38438/2023, In view of the order passed today in the connected matters, 1 Dated 19.05.2023 in Civil Appeal No. 3933/2023, titled [“Union of India & Anr. vs. M. Siddaraj”](#) and other connected matters.

that is, M.A. Diary No. 2400 OF 2024 and other connected applications, the present contempt petitions will be treated as disposed of with liberty to the petitioners to take recourse to appropriate remedies, if required and necessary, as indicated supra. It goes without saying that the respondents shall examine the cases of the petitioners/ applicants in terms of the order passed today and comply with the same expeditiously. Pending application(s), if any, shall stand disposed of.”



3. Since the controversy is no more res integra and the same stands settled vide the orders of the Apex Court (supra), this Court deems it appropriate to direct the petitioners to make representation to the competent authority i.e. respondent No.2, which, if made within a period of 30 days from today, shall be considered and decided by taking into account the orders of the Apex Court (supra) as mentioned above and appropriate speaking orders be passed in respect of each petitioner within 30 days, thereafter.

Petition stands disposed of accordingly.

(SHEEL NAGU)
CHIEF JUSTICE

29th May, 2025
‘gian’

(SUMEET GOEL)
JUDGE

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