IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-18364 of 2025(O&M)
Date of Decision: October 17, 2025

The Union of India and others

..... Petitioners

Versus

Mahesh Wasdev and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI

Present: - Ms. Geeeta Singhwal, Senior Panel Counsel,
for the petitioners.

****

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to order dated 17.07.2023 (Annexure P-2) passed by the Armed Forces Tribunal granting the benefit of one notional increment w.e.f. 01.07.2020 which was due to the officer concerned on the date when he retired i.e. 30.06.2020 after completion of one year of service on said date.

2. Learned counsel for the petitioner argues that the grant of the said benefit to respondent by assuming that the officer has completed 12 months in service upto June, 2020 is factually incorrect as, the cycle when increment became admissible to of the respondent got changed in the year 2017 from Ist July, 2017 to 1st January,2017 by preponing the same and therefore, keeping in view the said preponement of the cycle of increment to January instead of July, as the officer concerned had not completed 12 months of service starting from January, 2020 till June, 2020 when he retired from service and

ARCHANA ARORA
2025.10.31 16:22
I attest to the accuracy and
integrity of this document

therefore, the benefit of one notional increment which has been extended to the respondent by the Tribunal is based on wrong premises.

3. We have heard the learned counsel for the petitioner and we were also provided with the assistance of Wing Commander Devi Menon, Directorate of Air Veteran through video conferencing.

4. It may be noticed that it is a conceded position that cycle when the increment became admissible to respondent on completion of 12 months service was in July, 2017. Prior to the completion of 12 months of service upto July, 2017, a grievance was raised by the respondent that he has been getting lesser salary than employees junior to him and his pay needs to be stepped up equivalent to that of one Group Captain H. S. Kumar who was also working in the same cadre on the ground of parity.

5. After considering the said fact, in January, 2017 the pay of the respondent was stepped up and it was made equivalent to that of Group Captain H. S. Kumar.

6. After the grant of the said step up to respondent, the respondent started treating the said step up as equivalent to the financial up-gradation so as to start the fresh cycle of the increment from January, 2017 onwards. By applying the said aspect, the challenge has been raised by the petitioner to the impugned order passed by the Armed Forces Tribunal that upto June, 2020, the respondent had not completed one year in service, hence grant of the which benefit of one increment to him is incorrect.

ARCHANA ARORA
2025.10.31 16:22
I attest to the accuracy and
integrity of this document

7. Firstly, the benefit of step up of the pay granted to respondent equivalent to his junior officer after grievance was raised by him, is not a financial up- gradation or promotion in any manner. The same has been done to remove the anomaly of pay being drawn by a senior which was less than his junior. Therefore, the said removal of the anomaly which is called 'step up', cannot be treated as same or equivalent to the benefit of financial up-gradation in salary or the promotion in any manner.

8. The reliance is being placed by the petitioner upon the instructions of the Government of India dated 28.11.2019 with regard to the date of next increment. Para No.5, which is being relied upon is reproduced as under:-

> *"The above proposal has been examined, MoD is informed that stepping up of pay in terms of the provisions contained in Sub-Rule 10 (I) of Rule 7 of the CCS (RP) Rules, 2016 may be allowed to the senior Government Servants with reference to their junior Government servants where such junior, Government servants accrued the next Increment on the following: 1st January or 1st July on completion of a period of 6 months qualifying service as per the O.M. dated 31.07.2018. provided the conditions laid down therein are strictly followed and the retired Government servants were in service on the date of effect of stepping up of pay and also it must be ensured that the junior is drawing the same pay six months before the senior i.e., the stepping up of pay is to be extended to the senior only when pay drawn by the Junior on 1st January/ 1st July is drawn by the senior after six months on 1st July/1st January as the case*

ARCHANA ARORA
2025.10.31 16:22
I attest to the accuracy and
integrity of this document

may be."

9. A bare perusal of the above paragraph would show that the said instructions are only applicable where the benefit of financial up-gradation has been given to an officer or an officer has been granted the benefit of promotion, as to when the next increment will become due whereas in the present case, the respondent has neither been granted with the benefit of financial up-gradation nor he was promoted as he remained in the same cadre of "Group Captain" and his pay scale also remained the same though, by way of step up, his salary was increased upto the level of his junior namely Group Captain H. S. Kumar. Hence, the removal of an anomaly, in pay cannot be brought into operation under the instructions of the Government of India dated 28.11.2019 reproduced herein above which instructions are only applicable where there has been grant of benefit of a promotion or a financial up-gradation to the officer concerned. Hence, applying the said instructions so as to prepone the date of increment from July, 2017 to January, 2017 to deny the benefit of increment in July cannot be accepted. Once, it is a conceded position that according to the cycle when benefit of the increment becomes admissible to respondent No.1 after one year of service is in July of every year and, upto 30.06.2020, the respondent had completed one year service and by applying the judgment of the Hon'ble Supreme Court in **The Director (Administration and HR) KPTCL and others Vs. C.P.Mundinamani and others, 2023 SCC**

ARCHANA ARORA
2025.10.31 16:22
I attest to the accuracy and
integrity of this document

online SC 401 wherein it is held that an employee is entitled for the increment upon completion of 12 months of service where such employee has superannuated from service on 30th June, and his increment fell due on next day of superannuation. Hence, impugned order dated 17.07.2023 passed by the Armed Forces Tribunal is valid and legal.

11. No ground is made out for any interference. The writ petition is accordingly dismissed.

12. Pending application, if any shall also stand dispose of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

October 17, 2025
archana

Whether speaking/reasoned **Yes**
Whether Reportable **No**

ARCHANA ARORA
2025.10.31 16:22
I attest to the accuracy and
integrity of this document