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

**118** **CWP-22153-2025**
**Date of Decision: 22.09.2025**

**Sri Krishan Yadav and others ...Petitioner(s)**

**Versus**

**State of Haryana and others ...Respondent(s)**

**CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present:- Mr. Nikhil Kaushik, Advocate for the petitioners

Ms. Tanushree Gupta, Senior Deputy Advocate General, Haryana

**TRIBHUVAN DAHIYA, J. (Oral)**

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to grant annual increment to the petitioners on 01.01.2006 as per Rule 10 of the Haryana Civil Services (Revised Pay) Rules, 2008 (for short, 'the 2008 Rules'), and revise their retiral benefits consequently.

2. As per facts apparent on record, the three petitioners superannuated from service with effect from 30.04.2006, 30.06.2006 and 28.02.2006. They were accordingly granted retiral benefits. After about nineteen years, the present petition has been filed claiming the benefit of annual increment with effect from 01.06.2006 on the basis of Rule 10 of the 2008 Rules, notified on 30.12.2008, prescribing date of next increment in the revised pay structure. Its proviso is to the effect that in case of persons who had been drawing maximum of the existing scale for more than a year as on the 1st day of January, 2006, the next increment in the revised pay structure shall be

allowed on the 1st day of January, 2006, and thereafter provision of Rule 10 would apply. Petitioners' case fell under this proviso, as they were drawing basic pay in the maximum of scale for more than one year. This is apparent from the pay fixation order of petitioner no.1, Annexure P-6A; other petitioners were also drawing the same pay with effect from 01.01.2006. The benefit accordingly has been wrongly denied to them.

3. Learned State counsel, on instructions from Mr. Ashok Kumar, Deputy Director, submits that the notification 30.12.2008, Annexure P-2, is not applicable to the petitioners. Their pay has been fixed as per the UGC Scales accepted by the State Government vide memo dated 21.07.2011. Their pay as well as retiral benefits were accordingly fixed, which were drawn by them till subsequent revision of pay as per recommendations of the 7th Central Pay Commission. She has referred to instructions received from the Department in this regard vide memo dated 19.09.2025, which is retained on case file as Annexure 'F'. It is to the following effect:

> Further, as contended by the petitioners that they are entitled for increments on 01.01.2006 as per Haryana Civil Services (Revised Pay) Rules, 2008/Notification dated 30.12.2008, it is clarified that Haryana Civil Services (Revised Pay) Rules, 2008/Notification dated 30.12.2008 is not applicable in the case of petitioners. Their pay is fixed in UGC Scales and the pay revision as per 6th pay commission implemented w.e.f. 01.01.2006 vide Government instructions dated 21.07.2011 (the instructions are UGC Guidelines/Regulations, 2009 adopted by the State Government vide instruction dated 21.07.2011), there is no provision of increment at the time of Pay fixation/Revision incorporated in the table regarding Pay fixation/Revision (Annexure-'B').

Further, in reference of instructions issued by the Government regarding pay-scale to College teachers as per the Seventh Central Pay Commission Recommendations, it is submitted that the letter No. 7/79-2017 C-IV (3) dated 08.09.2018 has been issued for revision of Pay of teachers and equivalent cadres in Universities and colleges following the revision of pay scales of Central Government employees on recommendations of the 7th Central Pay Commission (CPC) (Annexure-‘C’) and letter No. 2/86-2018 C-III (1) dated 29.11.2019 has been issued for revision of Pension/Family Pension of pre-01.01.2016 Pensioners/Family Pensioners- UGC Scales (Government College Lecturers) (Annexure-‘D’) after verification of table from Pay Revision Branch (Finance Department, Haryana) vide their UO No. 2/24/2015-1 Pension dated 08.11.2019. (Annexure-‘E’).

Further, it is also submitted that letter No. 2/86-2018 C-III (1) dated 29.11.2019 is applicable for petitioner as petitioner is retiree and Pension of petitioner has already been fixed i.e. 1,31,400/- (considering Notional Pay) as per table given in above letter and there is nothing due regarding the petitioner. Hence, the claim of the present petitioners is not tenable in the eyes of law.

4. These facts could not be disputed by learned counsel for the petitioners, nor has he been able to explain the inordinate delay on the petitioners’ part in approaching this Court, except stating that they have been making representations to the Department. He, however, submits that pension is a recurring cause of action and only on account of delay the benefits cannot be denied.

5. After considering the submissions, this Court is not inclined to entertain the petition.

6. It remains undisputed that the petitioners were working in the Higher Education Department as Associate Professors under pay scales for

College teachers prescribed by the UGC which were made applicable to them as per memo, dated 21.07.2011, issued by the Government. Their pay as well as pension was accordingly fixed. It was subsequently revised by accepting the recommendations of 7th Central Pay Commission and revised pensionary benefits were also issued in terms of memo dated 29.11.2019. Besides, the notification dated 30.12.2008, relied upon by the petitioners to claim the benefit of additional increments is not applicable to their case. The posts of Education Department which are included thereunder have been specifically mentioned in part B of the notification, and it does not include college teachers. Still further, the petitioners never sought such a benefit of increment while they were in service, and cannot be permitted to seek it now after about twenty years of retirement.

7. Dismissed.

**(TRIBHUVAN DAHIYA)**
**JUDGE**

**22.09.2025**
*Payal*

Whether speaking/reasoned Yes/No
Whether reportable Yes/No