



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

117

CWP-22291-2025 (O&M)

Date of Decision: August 04, 2025

Subhash Chander and others

.....Petitioner(s)

Vs.

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ROHIT KAPOOR

Present: Mr. Namit Gautam, Advocate
for the petitioners.

Mr. Vikrant Pamboo, Addl. A.G. Haryana
for respondents-State.

Mr. Sanjeev Kaushik, Advocate and
Ms. Manreet Kaur, Advocate
for respondents No.7 to 12.

ROHIT KAPOOR J. (ORAL)

The present petition under Articles 226/227 of the Constitution of India has been filed for issuance of writ in the nature of Mandamus seeking directions to the respondents to grant the petitioners, the benefit of annual increment in terms of Rule 10 of "The Haryana Civil Services (Revised Pay) Rules 2008 dated 30.12.2008 (Annexure P-1) and to re-fix pay/pension/pensionary benefits, especially in view of the law laid down in *C.W.P. No.8364 of 2024* titled as "*Suresh Kumar Singla and others Versus State of Haryana and others*" decided on 16.04.2024 (Annexure P-3).

2. Notice of motion.



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3. On asking of the Court, Mr. Vikrant Pamboo, Addl. A.G. Haryana, accepts notice on behalf of respondents-State and Mr. Sanjeev Kaushik, Advocate, accepts notice on behalf of respondents No.7 to 12.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are retired employees of various Municipal Committees/Municipal Councils in the State of Haryana and are aggrieved by the action of the respondents denying them the benefit of annual increments, in terms of Rule 10 of "The Haryana Civil Services (Revised Pay) Rules, 2008 dated 30.12.2008, and are seeking the benefits of consequential pay/pension alongwith arrears and interest. He further submits that the issue involved in the present petition has already been dealt with by the Division Bench of this Court in '**Suresh Kumar Singla and others Vs. State of Haryana and others**', in **CWP-8364-2024**, decided on 16.04.2024, wherein Rule 10 of "The Haryana Civil Services (Revised Pay) Rules, 2008 dated 30.12.2008 was read down and the petitioners therein were held entitled to one increment.

5. The relevant paragraphs of the judgment rendered by Division Bench of this Court passed in **Suresh Kumar Singla** (supra), read as under:-

*"3. The issue raised by the petitioners is no more res integra and stands finally adjudicated by the Supreme Court in the case of **The Director (Administration and HR) KPTCL and others vs. C.P. Mundinamani and others, 2023 SCC Online SC 401**, wherein the Supreme Court while examining the same issue has upheld the view taken by the High Court of Karnataka and has held as under:*

"6.5 Now, so far as the submission on behalf of the appellants that as the increment has accrued on the next day on which it is earned and therefore, even in a case where an employee has earned the increment one day prior to his



retirement but he is not in service the day on which the increment is accrued is concerned, while considering the aforesaid issue, the object and purpose of grant of annual increment is required to be considered. A government servant is granted the annual increment on the basis of his good conduct while rendering one year service. Increments are given annually to officers with good conduct unless such increments are withheld as a measure of punishment or linked with efficiency. Therefore, the increment is earned for rendering service with good conduct in a year/specified period. Therefore, the moment a government servant has rendered service for a specified period with good conduct, in a time scale, he is entitled to the annual increment and it can be said that he has earned the annual increment for rendering the specified period of service with good conduct. Therefore, as such, he is entitled to the benefit of the annual increment on the eventuality of having served for a specified period (one year) with good conduct efficiently. Merely because, the government servant has retired on the very next day, how can he be denied the annual increment which he has earned and/or is entitled to for rendering the service with good conduct and efficiently in the preceding one year.

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7. In view of the above and for the reasons stated above, the Division Bench of the High Court has rightly directed the appellants to grant one annual increment which the original writ petitioners earned on the last day of their service for rendering their services preceding one year from the date of retirement with good behaviour and efficiently. We are in complete agreement with the view taken by the Division Bench of the High Court. Under the circumstances, the present appeal deserves to be dismissed and is accordingly dismissed. However, in the facts and circumstances of the case, there shall be no order as to costs."



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6. *Learned counsel appearing for the State fairly concedes that the issue stands already adjudicated, and has also pointed out that the Division Bench of this Court in the case of **Union of India and others vs. Vijay Kumar in CWP-24010-2023, decided on 08.11.2023**, has taken an identical stand.*

7. *The Division Bench in the case of Union of India and others vs. Vijay Kumar (supra), following the judgment passed by Supreme Court in The Director (Administration and HR) KPTCL and others (supra), has held as under:*

"4. Thus, the Supreme Court in C.P. Mundinamani's case (supra) has decided in no uncertain terms that an employee who has earned his annual increment is entitled to the same despite the fact that he has retired a day prior to its accrual.

5. The law laid down by the Supreme Court in C.P. Mundinamani's case (supra) fully covers the case of the respondent in his favour and against the petitioners. Therefore, the Tribunal is found to have committed no error, in fact or in law, to allow the respondent's OA."

8. *In view of above, we find that the Rule 10 of the Rules, 2008 goes contrary to the judgment passed by the Supreme Court as well as by the Division Bench of this Court (supra), and therefore to the said extent where it denies granting of increment to an employee who has retired on 30th of June or 31st of December of the year, is held to be bad in law.*

9. *We therefore, read down the Rule 10 of the Rules, 2008 to mean that one annual increment would be earned to an employee on the last day of his service, for the services rendered by him in the preceding one year from the date of retirement with good behaviour and efficiency. Accordingly, the 'uniform date of annual*



increment mentioned in Rule 10 would mean completion of the year as on 1st of July of every year and 1st of January of a year.

10. Petitioners No.1 and 2 have retired on 30th of June of the concerned year, while petitioners No.3, 4 and 5 have retired on 31st of March. Annual increment is to be granted to an employee on account of his past service of 12 months. The Rule also provides that if a person has rendered more than six months, he would be deemed to have completed 12 months of service for the purpose of grant of increment. Since the petitioners, who retired on 31st of March of the concerned year, have completed 09 months of service in a year, they were entitled to receive the benefit of increment for one year. Having reached to the aforesaid finding, we find that the case of the persons who have retired on 31st of March of the year would also be entitled for the benefit in terms of the judgment passed in the case of Director (Administration and HR) KPTCL and others (supra).

11. The writ petition is accordingly allowed as above.

12. Accordingly, it is directed that the petitioners No.1 to 5 would be entitled to one increment and the respondents are directed to revise their retiral benefits and pension accordingly.

13. Said exercise shall be completed within a period of three months." (Emphasis Supplied)"

6. Learned counsel for the petitioners further contends that the identical relief has been granted to similarly situated persons by way of subsequent judgments/orders passed by Co-ordinate Bench of this Court, by relying upon the decision passed in the **Suresh Kumar Singla** (Supra) of this Court.



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7. Learned counsel appearing on behalf of respondents are unable to controvert the said position.

8. In view thereof, the present petition is disposed of with a direction to the respondent(s) to consider the claim of the petitioners by taking into consideration the judgment passed by the Division Bench of this Court in ***Suresh Kumar Singla*** (supra), within a period of three months from the date of receipt of certified copy of this order.

9. Needless to say that the claim of the petitioners shall be decided by passing a reasoned/speaking order and in the event they are found entitled to the claimed benefit, the same be also released in their favour within a further period of two months alongwith arrears, if any.

10. All other misc. application(s), if any, also stand disposed of accordingly.

(ROHIT KAPOOR)
JUDGE

August 04, 2025
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Whether speaking/reasoned:	Yes / No
Whether reportable:	Yes / No