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

165 (27 cases)

**CWP-23608-2024 (O&M).
Date of Decision: 29.05.2025.**

SITA RAM AND ANOTHER

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Anurag Goyal, Advocate,
Mr. Vikas Chatrath, Advocate,
Mr. Mohinder Pal, Advocate,
Mr. Vikram Sheoran, Advocate,
Mr. Vikas Lochab, Advocate,
Mr. Amit Kaith, Advocate,
Mr. Gulwant Singh Sathi, Advocate with
Mr. Gurmit Singh Advocate,
Mr. Vishvanath Sharma, Advocate, for
Mr. Sandeep Singh Singal, Advocate, and
Mr. Arun Kumar Goyat, Advocate,
for the petitioner(s).

None for the petitioner(s) in CWP-25876-2024,
CWP-28176-2024 and CWP-28636-2024

Mr. Tapan Kumar, DAG, Haryana.

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VINOD S. BHARDWAJ. J (ORAL).

This order shall dispose of the following 27 writ petitions since they involve a common question of law.

Sr. No.	CWP No.	Titled
1	CWP-23608-2024	Sita Ram and another Vs. State of Haryana and others
2	CWP-11637-2025	Satyawan Singh and others Vs. State of Haryana and others
3	CWP-23764-2024	Veena Kumari and others Vs. State of Haryana and others
4	CWP-23777-2024	Munshi Ram and others Vs. State of Haryana and others
5	CWP-24455-2024	Kaptan Singh and others Vs. State of Haryana and others
6	CWP-25876-2024	Asha Rani and others Vs. State of Haryana and others
7	CWP-28174-2024	Pawan Kumar and others Vs. State of Haryana and another
8	CWP-28176-2024	Banta Singh and another Vs. State of Haryana and others
9	CWP-28225-2024	Virender Singh and others Vs. State of Haryana and others
10	CWP-28288-2024	Swaran Singh and others Vs. Union of India and others
11	CWP-29188-2024	Avadh Bihari and others Vs. State of Haryana and another
12	CWP-29256-2024	Jai Singh Ruhil and others Vs. State of Haryana and others
13	CWP-29292-2024	Jaljeet Singh and others Vs. State of Haryana and others
14	CWP-29774-2024	Panne Lal and others Vs. State of Haryana and another
15	CWP-30433-2024	Wazir Singh and others Vs. State of Haryana and others
16	CWP-30787-2024	Randhir Singh and others Vs. State of Haryana and others
17	CWP-31405-2024	Krishan Kumar and others Vs. State of Haryana and others
18	CWP-31917-2024	Sheela Devi and others Vs. State of Haryana and others

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19	CWP-31985-2024	Bala Devi and others Vs. State of Haryana and others
20	CWP-32429-2024	Mahavir Singh Ahlawat and others Vs. State of Haryana and others
21	CWP-32649-2024	Daryao Singh and others Vs. State of Haryana and others
22	CWP-32839-2024	Ved Parkash Arya and others Vs. State of Haryana and others
23	CWP-33116-2024	Ramesh Chand Vs. State of Haryana and another
24	CWP-33281-2024	Satyabir Singh Vs. State of Haryana and others
25	CWP-28636-2024	Lal Chand and another Vs. State of Haryana and others
26	CWP-34096-2024	Mani Ram and others Vs. State of Haryana and another
27	CWP-33381-2024	Rajinder Singh Vs. State of Haryana and others

2 Prayer made in these writ petition(s) is for seeking issuance of directions to the respondents to grant the benefit of one increment to the employees who retired prior to 30th June and 31st December and who have not served from 1st of January or 1st of July, as the case may be, despite the fact that said employees had completed six months of service required for an employee to earn an annual increment as per the Haryana Civil Services (Revised) Rules 2016.

3 The matters were adjourned sine die vide orders of different dates to await the outcome of SLP No.37859 of 2024.

4 It has been informed by the counsel appearing on behalf of the petitioner(s) that a batch of writ petitions (nearly 261 cases) have been decided by a Division Bench of this Court vide order ***dated 24.04.2025***

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passed in CWP No.14627 of 2024 titled as 'Mahabir Singh Tanwar Vs. State of Haryana and others.

5 The Division Bench of this Court specifically noticed that the similar claims of increment that had been asked for by the employees on completion of six months' service stand decided by the Hon'ble Supreme Court of India in the matter of **Union of India and another Vs. M. Siddaraj bearing Civil Appeal No.3933 of 2023 vide order dated 19.05.2023.** It was also noticed by the Hon'ble Division Bench that various miscellaneous applications were filed seeking clarification of the orders on which Hon'ble Supreme Court passed an interim order on 06.09.2024. The said miscellaneous applications were eventually decided by the Hon'ble Supreme Court vide order dated 20.02.2025. The operative part of the same reads thus:-

"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.

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(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**", as in such cases, clause (a) will apply.*

Recording the aforesaid, the miscellaneous applications are disposed of.

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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. v. 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. "*

6 The aforesaid operative part of the judgment of the Hon'ble Supreme Court of India was relied upon by the Division Bench. It was also noticed by the Division Bench that certain other SLPs were still pending before the Supreme Court where the issue with respect to the persons who had not completed one year but had retired after completion

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of six months in a year are pending. It was held by the Hon'ble Division Bench that after considering the provisions and the rules, the said period had to be treated as one year for the purpose of grant of increments. The submission of the learned State counsel was also noted that the Government of Haryana was contemplating to take a decision with respect to those SLPs pending before the Hon'ble Supreme Court. Having noticed the same, the Division Bench held that a mere pendency of other SLPs would not be an impediment in disposing of all these writ petitions as the claim of the writ petitioners have to be decided finally now in terms of the order passed by the Hon'ble Supreme Court on 20.02.2025 in miscellaneous application Diary No.2400 of 2024 in the matter of **Union of India and another Vs. M. Siddaraj bearing Civil Appeal No.3933 of 2023**. The operative part of the said order of the Division Bench reads thus:-

*“7. Learned counsel appearing for the State submits that so far as orders passed by this **Court** are concerned, few of SLPs are pending before the Supreme **Court** where the issue is with respect of persons, who had not completed one year but had retired after having completed more than six months in a year.*

*8. This **Court** after considering the provisions of the Rules, treated the said period to be that of one year for the purpose of grant of increment and the said issue is still to be*

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considered by the Supreme **Court**. Learned State Counsel further informs the **Court** that State of **Haryana** is also contemplating to take a decision with respect to those SLPs pending before the Supreme **Court**.

9. We have noticed the aforesaid submissions. However, the same would have no impediment in disposing of all these writ petitions as the claim of the writ petitioners has to be decided finally now in terms of the order passed by the Supreme **Court** on 20.02.2025 in **Miscellaneous application Dairy No.2400 of 2024 in Civil Appeal No.3933 of 2023 with connected miscellaneous applications titled as "Union of India and another v. M. Siddaraj** (supra).

10. We, therefore, dispose of all these writ petitions and allow them in the same terms as above and with further directions to the Administration-respondents to pass specific orders taking into consideration the facts of each case. For the said purpose, we allow the State Government to take decision within a period of two months henceforth as all of the petitioners are already retired and their retiral benefits would be accordingly required to be adjusted and released.

11. The State authorities shall also take into consideration any policy decision which the State Government may take with respect to the persons, who retired having put in more than six months and less than one year of service in their last year of tenure.”

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7 The learned State counsel has been confronted with the aforesaid order passed by the Division Bench and he is not in a position to dispute or deny the applicability of the same to the cases pending before this Court.

8 Under the given circumstances, this Court is of the opinion that awaiting a formal and final decision in the SLP No.37859 of 2024 may not be necessary any further. It would not be in the fitness of things to keep these matters pending when the Division Bench has already taken a specific view in the subject matter after following the judgment of the Hon'ble Supreme Court.

9 Under the given circumstances, the instant writ petitions are disposed of, without commenting on the merits of the individual cases, with a direction to the respondents to pass a fresh order with respect to the claim raised by the petitioner(s) after considering all the issues and taking note of the judgment of the Hon'ble Supreme Court as passed and relied upon by the Division Bench of this Court and to pass an appropriate decision in the light thereof.

10 Let the necessary decision be taken within a period of 03 months of the receipt of a copy of this order. In the event of the petitioner(s) being held entitled to the financial benefits as claimed for,

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the admissible financial benefits shall thereafter be released within a further period of two months.

11 The writ petitions stand disposed of accordingly.

12 A photocopy of the order be placed on the connected file(s).

May 29, 2025
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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