



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

CWP-26988-2025

Date of Decision: 11.09.2025

JOGINDER KUMAR AND ANOTHER

...PETITIONERS

Vs

STATE OF HARYANA AND OTHERS

...RESPONDENTS

**CORAM:- HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MRS. JUSTICE RAMESH KUMARI**

Present:- Ms. Harpreet Kaur, Advocate and
Mr. Gurtej Sandhu, Advocate
for the petitioners.

Mr. Pankaj Middha, Addl. AG, Haryana.

ASHWANI KUMAR MISHRA, J. (ORAL)

1. This writ petition is filed with a prayer to issue a writ of certiorari quashing Rule 29 of Chapter-VIII of Haryana Civil Services (Pay) Rules, 2016 (*for short, 'Rules of 2016'*) insofar as it declines annual increment to employees who retire on 30th June of every year, despite their completing one year of satisfactory service, required for an employee to earn annual increment as per Haryana Civil Services Rules, 2016 on the ground that the increment became payable on 1st of July, by when the employee had retired. A further prayer is made to re-fix the pension of the petitioners by granting them annual increment in the last year of their retirement, as they had completed 09 months of service with all consequential benefits of arrears etc., along with interest.

2. So far as entitlement of an employee to receive benefit of annual increment on completion of 12 months of satisfactory service is

concerned, the issue has been determined finally by the Supreme Court in **The Director (Administration and HR) KPTCL and others vs. C.P.Mundinamani and others, 2023 SCC Online SC 401.** It has been held that notwithstanding the fact that annual increment fell due on 1st of July; next to the date of superannuation i.e. 30th of June, such annual increment would be payable to an employee who has completed 12 months of satisfactory service and has superannuated on 30th June.

3. The denial of increment only on the ground that increment fell due on the date next to the superannuation of the employee was held to be arbitrary once it was found that the employee had satisfactorily worked for 12 months by 30th June. The issue further came to be reiterated by the Supreme Court in **Union of India & Anr. Vs. P. Ayyamperumal, R.P. (C No.1731/2019 in SLP (C) No.22008/2018.**

4. The Supreme Court has further clarified that the arrears in such circumstances would be restricted to a period of three years prior to filing of the petition vide order passed in **Union of India & Anr. Vs. M. Siddaraj, (Civil Appeal No.3933 of 2023)** which is reproduced hereinafter:-

“Miscellaneous Application Diary Nos. 2400/2024, 35783/2024, “35785/2024 and 35786/2024.

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, 11336/2024 and 20636/2024.

In view of the order passed today in the 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.”

5. Though, the law stands settled by the judgment of the Supreme Court, on the above aspect, however we find that on facts the petitioners are not entitled to any relief inasmuch as they have not completed satisfactory working of 12 months before retiring on 31st March, 2019.

6. It is undisputed that in terms of the applicable statute the entitlement to receive annual increment is only on completion of a years' satisfactory working which is not shown to be fulfilled in this case.

7. In such circumstances, the petitioners are not entitled to the relief prayed for.

8. Learned counsel for the petitioners, however, has relied upon Rule 10 of the Haryana Civil Services (Revised Pay) Rules 2008 (for short, 'Rules of 2008') which is reproduced:-

“Rule 10:- Date of next increment in the revised pay structure:-

There will be a uniform date of annual increment viz 1st July of every year. Employees completing 6 months and above in the revised pay structure as on 1st July will be eligible to be granted the increment. The first increment after fixation of pay on 1.1.2006 in the revised pay structure will be granted on 01.07.2006 for those employees also for whom the date of next increment was between 1st July 2006 to 1st January 2007.

Provided that in the case of person who had been drawing maximum of exiting scale for more than a year as on the 1st January 2006 the increment in the revised pay structure shall be allowed on the 1st day of January 2006 for those employees also for whom the date of next increment was between 1st July 2006 to 2007.

Provided that in the case of persons who had been drawing maximum of the exiting scale for more than a year as on 1st day of January 2006 thereafter, the provisions of rule 10 would apply;

Provided further in the case where an employee reaches the maximum of his pay band, shall be placed in the next higher pay band after one year of reaching such a maximum. At the time of placement in the higher pay band, benefit of one increment will be provided. Thereafter, he will continue to move in the higher pay band till his pay in the

pay band reaches the maximum of PB-4 after which no further increment will be granted.”

9. The language employed in Rule 10 of the Rules of 2008 referring to employees completing 6 months on 1st day of July to be granted the increment is concerned, the same has to be understood in the context in which the provision itself was introduced. Prior to the coming into the Rules of 2008, different dates existed for grant of annual increment like 1st of January or 1st of July etc. While implementing the revised pay structure w.e.f. 1st January, 2006, the Rules fixed a uniform date for grant of annual increment i.e. 1st of July. Reference of six months working was apparently intended for those who had been hitherto receiving annual increment on 1st of January.

10. Thus, reference of six months' working in Rule 10 does not dilute the requirement of satisfactory working of 12 calendar months for grant of annual increment. The expression in the Rule is intended to deal with a specific exigency which arose on account of rationalization of the date of increment and to fix a uniform date for the purpose i.e. 1st July. It cannot be read in isolation to contend that increment becomes payable for a retiring employee upon completion of six months and above.

11. The concept of 'annual increment' by its very terminology denotes annual hike in pay on satisfactory completion of a years' working. The interpretation suggested by the petitioner would result in an anomalous situation where annual increment would become payable even before completion of satisfactory working of a year. This would be impermissible.

12. Thus, the employees who retire before completing a year's satisfactory service cannot claim annual increment if they have earned their last annual increment on 1st of July of the year previous to the year of their retirement. Since the petitioners have undisputedly earned their last increment on 1st day of July, in the year preceding their retirement, and have not satisfactorily completed a year's service, they cannot be held entitled to annual increment on completion of six months' working.

13. In that view of the matter, the instant petition lacks merit and is accordingly **dismissed**.

[ASHWANI KUMAR MISHRA]
JUDGE

[RAMESH KUMARI]
JUDGE

SEPTEMBER 11th, 2025
Rahul Joshi

- | | |
|------------------------------|--------|
| 1. Whether Speaking/reasoned | Yes/No |
| 2. Whether Reportable | Yes/No |