

2024:PHHC:074054-DB



CM-5612-CWP-2026 in/and
CWP-12518-2024 (O&M)
Date of Decision: 21.04.2026

SUSHILA DALAL AND ANOTHER

...Petitioners

Vs.

MAHARSHI DAYANAND UNIVERSITY

...Respondent

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Saurabh Dalal, Advocate (through VC)
for the petitioners.

Mr. Amit Rao, Advocate
for the respondent.

ASHWANI KUMAR MISHRA, J. (Oral)

CM-5612-CWP-2026

Application is for restoration of the main writ petition which
was dismissed in default vide order dated 12.03.2026.

The application has been filed within limitation and non-
appearance on the date fixed has been satisfactorily explained.

In that view of the matter, the application is allowed and order
dated 12.03.2026 is recalled. The writ petition is restored to its original
number and position.

CWP-12518-2024 (O&M)

1. Prayer in the writ petition is for the issuance of a writ in the
nature of Certiorari for quashing impugned Rule 10 of the Haryana Civil

Services (Revised Pay) Rules, 2008 to the extent that the same denies annual increment to the employees who retire on 30th June each year despite the fact that these employees have completed 6 months or more of service required by an employee to earn annual increment as per 'The Haryana Civil Services (Revised Pay) Rules, 2008', in their retiring age. A further prayer is made to re-fix the pension of the petitioners by granting them the benefit of annual increment.

2. Controversy raised in the present petition already stands answered by this Court while deciding **CWP-26988-2025**, titled as **Joginder Kumar and another vs. State of Haryana and others**, wherein this Court held as under:-

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 2 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:-*

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“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 existing 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 existing 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**."*

3. Keeping in view the entire conspectus of the case, it is held that the petitioners who completed one year of continuous satisfactory service as on 30th June, would be entitled to the benefit of annual increment in terms of law laid down by the Hon'ble Supreme Court in **C.P.Mundinamani** (supra), as has been clarified in the case of **M. Siddaraj** (supra), vide order dated 20.02.2025. The benefits found due in terms of the aforesaid judgment shall be released to the petitioners by the State, within a period of three months. However, where the petitioners have completed six months or less than a year's working, after availing last annual increment, in his year of retirement, would not be entitled to any relief.

4. The petition stands disposed of accordingly.

5. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

21.04.2026
mohit goyal

1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No

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