



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RSA No. 2163 of 2026 (O&M)
Date of Decision: 01.07.2026

State of Haryana and others

..... Appellants

Versus

Mahabir Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present:- Mr. Raj Partap Singh Brar, Assistant Advocate General, Haryana
for the appellants-defendants.

HARKESH MANUJA, J. (ORAL)

The defendants-State of Haryana are in appeal. First appeal filed by the appellants-defendants was dismissed by the learned First Appellate Court while affirming the judgment and decree passed by the learned trial Court. For the sake of convenience, the parties are being referred to as per their status in the Civil Suit.

[2] Challenge in the present appeal has been laid to the judgment and decree dated 15.04.2026 passed by the Court of learned District Judge, Sirsa (**hereinafter to be referred as “First Appellate Court”**), whereby the first appeal filed by the defendants against the judgment and decree dated 28.05.2025 passed by the Court of learned Civil Judge (Junior Division), Sirsa (**hereinafter to be referred as “trial Court”**); decreeing the suit for declaration filed at the instance of

respondent-plaintiff, was dismissed, thereby affirming the judgment and decree passed by the learned trial Court.

[3] Brief facts of the case are that the plaintiff stood retired from the service on 30.06.2015 while working as Sub-Inspector in Haryana Roadways, Sirsa and as per Haryana Govt. Policy, his annual increment became due on 01.07.2015. It was pleaded that the plaintiff completed his previous one year's service satisfactorily, i.e. from 01.07.2014 to 30.06.2015; thus he was entitled for notional increment, which was denied by the defendants. Hence, the suit was filed.

[4] The suit was contested by the defendants while pleading that the plaintiff was not entitled for one notional increment on 01.07.2015 for the work done during the completed one year from 01.07.2014 to 30.06.2015, as the plaintiff was not in service on 01.07.2015; therefore, it was prayed that suit be dismissed.

[5] Replication was not filed. On the basis of pleadings of the parties, the learned trial Court framed the following issues on 30.08.2024:-

- “i.. Whether the plaintiff is entitled for decree of declaration with consequential relief of mandatory injunction, as prayed for? OPP*
- ii. Whether the suit of the plaintiff not maintainable in the present form? OPD*
- iii. Whether the plaintiff has no cause of action to file the present suit? OPD*
- iv. Whether the plaintiff is estopped by his own act and conduct to file the present suit? OPD*
- v. Whether the plaintiff has concealed the true and material facts from this court and has not come with clean hands? OPD*

- vi. *Whether the suit of the plaintiff is not within the period of limitation? OPD*
- vii. *Whether the suit of plaintiff is based on false and frivolous claim and same is filed just to harass the defendants? OPD*
- viii. *Relief. ”*

[6] The learned trial Court, vide its judgment and decree dated 28.05.2025, decreed the suit filed at the instance of plaintiff.

[7] Aggrieved against the same, the defendants filed the first appeal, which came to be dismissed vide judgment and decree dated 15.04.2026 passed by the learned First Appellate Court.

[8] Impugning the aforesaid judgment and decree dated 15.04.2026 passed by the learned First Appellate Court, learned counsel for the appellants-defendants, *inter alia*, submits that the case of plaintiff is governed by Rule 10 of Haryana Civil Services (Revised Pay) Rules, 2008, thus, he was not entitled for one notional increment.

No other argument has been raised.

DISCUSSION AND REASONING

[9] Having heard learned counsel for the appellants-defendants and gone through the paper-book / record, I am unable to find substance in the submission(s) made on behalf of the appellant(s).

[10] The only issue to be determined is whether the plaintiff was entitled for one annual increment which became due on the next day of his retirement, i.e. 01.07.2015.

[11] Admittedly, the *vires* of Rule 10 of Haryana Civil Services (Revised Pay) Rules, 2008 were challenged before this Court in ***CWP No.8364 of 2024***, titled ***“Suresh Kumar Singla and Ors. Versus State of***

Haryana and Ors.”, which stood decided on 16.04.2024 by the Hon’ble Division Bench of this Court, whereby the said Rule was struck down.

[12] Moreover, rightly observed by the learned First Appellate Court, the present issue stands covered by the law laid down by the Hon’ble Apex Court in **Civil Appeal No. 2471 of 2023 (@SLP (C) No. 6185 of 2020**, decided on 11.04.2023, titled **“The Director (Admn. And HR) KPTCL & Ors. Versus C.P. Mundinamani & Ors.”**, reported as **2023 SCC Online SC 401** which was also relied upon in **Suresh Kumar Singla’s case (supra)**. Therefore, the plea of the appellants-defendants that as per Rule 10 of Haryana Civil Services (Revised Pay) Rules, 2008, the plaintiff was not entitled for one notional increment, was rightly rejected by the learned First Appellate Court. Relevant portion of decision made in case of **C.P. Mundinamani (supra)** is reproduced hereunder:-

“ 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.

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.”*

The same observation was re-affirmed by Hon’ble Supreme Court in case titled as Suresh Kumar Singla and ors. Vs. State of Haryana and ors. Dated 16.04.2024 wherein Hon’ble Supreme Court observed as under:

“ 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 July of every year and 1st of January of a year”.

[13] In view of the discussion made hereinabove, finding no illegality or perversity with the findings of the fact recorded by the learned First Appellate Court, there being no misreading or mis-interpretation of the pleadings and the evidence available on record; the present appeal, being

devoid of merits, is hereby **dismissed**, while upholding the judgment and decree dated 15.04.2026 passed by the learned First Appellate Court and affirming the judgment and decree dated 28.05.2025 passed by the learned trial Court.

[14] Pending miscellaneous application(s), if any, shall also stand disposed off.

July 01, 2026
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(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>