
(2024) 07 UK CK 0109

In the Uttarakhand High Court

Case No : Writ Petition No. 1279 Of 2024 (S/S)

Darwan Singh

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 20-07-2024

Acts Referred:

Citation : (2024) 07 UK CK 0109

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Hari Om Bhakuni, Anil K. Bisht, Manoj Kumar

Final Decision : Allowed

Judgement

Pankaj Purohit, J

1. Heard learned counsel for the parties.
2. Petitioner was retired as Inspector, Armourer from Indo-Tibetan Border Police Force on 30.06.2013.
3. According to the petitioner, he was not given annual increment for the year 2012-13 only on the ground that he retired a day before the day when annual increment became due to him i.e. 01.07.2013. It is feeling aggrieved by the inaction of the respondents for non-grant of annual increment for the period w.e.f. 01.07.2012 to 30.06.2013, the petitioner submitted a representation in the month of June, 2023 to the respondent No.3 and requested in the said representation to grant him the annual increment for the aforesaid period. After receiving petitioner's representation, respondent No.3 wrote a letter to respondent No.4 on 14.07.2023 and directed to take further action in the matter and inform to the petitioner accordingly. When, no action was taken by the respondents on the said representation, he again made a representation dated 11.12.2023 to respondent No.4 to inform him in regard to the action taken by respondents in the matter. Both representations are still pending before the

respondents.

4. It is feeling aggrieved by this, petitioner has sought the following reliefs, by filing the present writ petition:

"I. Issue a writ, order or direction, in the nature of mandamus commanding and directing the respondents, particularly respondents No.2 and 3 to grant one increment to the petitioner, which is due to him on 01.07.2013 and accordingly, re-fix the pension and other retiral dues and thereby release the arrears of the same.

II. Issue a writ, order or direction to the respondent No.2 and 3 to take decision in the matter for granting one increment to the petitioner due to him on 01.07.2013."

5. Learned counsel for the petitioner has drawn attention of this Court to the representation made by the petitioner. He has also relied upon a judgment rendered by Hon'ble Apex Court in the case of Director (Administration and HR) Karnataka Power Transmission Corporation Ltd. And Others Vs. C.P. Mundinamani and Others, Civil Appeal No.2471 of 2023, 2023 SCC OnLine SC 401. Relevant extract of the said judgment is reproduced below-

"The Allahabad High Court in the case of Nand Vijay Singh (supra) while dealing with the same issue has observed and held in paragraph 24 as under: -

"24. Law is settled that where entitlement to receive a benefit crystallises in law its denial would be arbitrary unless it is for a valid reason. The only reason for denying benefit of increment, culled out from the scheme is that the central government servant is not holding the post on the day when the increment becomes payable. This cannot be a valid ground for denying increment since the day following the date on which increment is earned only serves the purpose of ensuring completion of a year's service with good conduct and no other purpose can be culled out for it."

6. Having gone through the Case Law relied upon by the learned counsel for the petitioner rendered by Hon'ble Apex Court in the case of Director (Administration and HR) Karnataka Power Transmission Corporation Ltd. And Others (Supra), this Court is of the view that the issue is no longer res-integra.

7. Accordingly, the writ petition is allowed. A writ of mandamus is issued commanding respondents to grant annual increment to the petitioner for the period w.e.f. 01.07.2012 to 30.06.2013 and without any further delay, to grant him notional benefits on the basis of the last drawn salary, after adding the increment in-question.