
(2010) 02 P&H CK 0182
In the Punjab And Haryana At Chandigarh

Devi Chand Jain

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 10-02-2010

Acts Referred:

Citation : (2010) 02 P&H CK 0182

Hon'ble Judges : Ashutosh Mohunta, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Ashutosh Mohunta, J.—The petitioner has prayed that directions be issued to the respondents to release the increment in accordance with Rule 11 of the Punjab Treasury Establishment Subordinate Service (Class III) Rules, 1962 (for short "the Treasury Establishment Rules") alongwith all consequential benefits.

2. The petitioner joined as Clerk in the Treasury Organization of the Punjab State on 19.3.1957. He was promoted as Assistant Treasury Officer on 16.6.1975. As per Rule 11 of the Treasury Establishment Rules, the petitioner was to be given increment in the normal course on completion of one year of his promotion. Rules 11 of the Treasury Establishment Rules is reproduced as under:

Rule 11 - (1) Members of the Service recruited in the manner prescribed in Sub-clause (i) of Clause (a) of Sub-rule (1) of Rule 7 shall, from the date of joining their appointment, be entitled to draw their pay in accordance with the provisions of the Punjab Civil Services Rules, in the time scale of pay as may be authorized by Government from time to time. The pay scales at present in force are given in Appendix "A".

(2) Members of the Service, recruited in the manner prescribed in Sub-clause (ii) of Clause (a) of Sub-rule (1) of rule 7 shall draw the minimum of the time scale of pay during the period of probation. They shall be allowed the first increment on passing the departmental examination prescribed under the rules or after one year's service, whichever is later. The future increments shall normally be

admissible on the anniversary of the date on which the first increment is drawn:

Provided that the Government may, in the case of members of the service appointed directly who are already in Government service, grant in accordance with the provisions of the Punjab Civil Service Rules, a pay higher than that admissible under this sub rule.

3. Learned Counsel for the petitioner submits that as the petitioner joined his duties as Assistant Treasury Officer on 4.7.1975, therefore, he was entitled to be given his increment in normal course on 1.7.1976, whereas the petitioner was given the increment on 11.4.1977. It is contended that one increment given to the petitioner was deemed to be given to him w.e.f. 1.7.1976.

4. Mr. A.S. Jattana, counsel for the State has submitted that the petitioner was not entitled to be given the increment w.e.f. 1.7.1976, as he had not cleared the departmental examination.

5. Mr. Nabhewala, in reply has submitted that the respondents did not hold the departmental examinations for the year 1975 and 1976 and hence the petitioner could not appear in the departmental examination. Learned Counsel further submits that some other similarly situated persons, who had not cleared the departmental examination, have been granted the benefit w.e.f. one year of their promotion and hence as such, the petitioner cannot be denied the benefit of grant of increment w.e.f. one year of his promotion.

6. I have heard the counsel for the parties at length. A perusal of the aforementioned facts clearly shows that the petitioner was promoted as Assistant Treasury Officer on 16.6.1975. Thus, he was entitled to be given one increment on completion of one year from the aforesaid date in terms of the Treasury Establishment Rules. The objection raised by the State that the petitioner had not cleared the departmental examinations is also without merit as no examinations were held by the respondents during the year 1975 and 1976. Apart from the above, the respondents have given the said benefit to some other persons who were similarly situated like the petitioner on completion of one year of their promotions in service and hence the benefit of increment could not have been denied to the petitioner.

7. In view of the above, this writ petition is allowed and directions are issued to the respondents to release the benefit of one increment to the petitioner w.e.f. 1.7.1976, instead of 11.4.1977. The petitioner is also held entitled to all consequential reliefs, i.e. refixation of pay and arrears. The petitioner shall, however, be not entitled to any interest. There shall be no order as to costs. The needful be done within a period of 3 months from today.