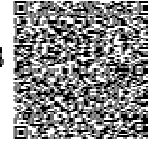


2025:PHHC:103992-DB



LPA-3-2025 (O&amp;M)

Date of Decision: 11.08.2025

State of Haryana and another ...Appellants

Vs.

Hoshiyar Singh and another ...Respondents

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

Present: Mr. Vivek Chauhan, Addl. AG, Haryana for the appellants.

\*\*\*

**ASHWANI KUMAR MISHRA, J. (Oral)**

1. This intra-court appeal, filed under Clause X of the Letters Patent, is directed against an order and judgment dated 11.12.2023, rendered by the learned Single Judge, vide which, writ petition filed by the petitioners (respondents herein), has been allowed.

2. The learned Single Judge has allowed the claim of the petitioners-respondents No.1 and 2, as regards annual increment, for rendering one year satisfactory service. Concededly, the annual increment was due on 1<sup>st</sup> of July, whereas, the petitioners were superannuated on 30.06.2009 and 30.06.2013 respectively. Since the increment became payable upon satisfactory completion of one year service, as such, the fortuitous circumstance of it falling due on the day following the superannuation cannot be to the detriment of the respondents. The issue in that regard stands settled by the judgment of the Hon'ble Supreme Court in The Director

(Administration and HR) KPTCL and others Vs. C.P.Mundinamani and others, 2023 SCC Online SC 401. A review Petition (c) Diary No.36418/2024, filed in the matter, also came to be rejected on 18.12.2024. The judgment in C.P.Mundinamani's case (supra) has been reiterated by the Hon'ble Supreme Court in Union of India & Anr. Vs. M. Siddaraj (Civil Appeal No.3933 of 2023). Further, a clarification was also issued by the Hon'ble Supreme Court through an order dated 20th February, 2025, while disposing of miscellaneous applications in the M. Siddaraj's case, which is reproduced below:-

*“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”, 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.”*

3. Since the controversy is no more res integra and the same stands settled vide the orders of the Apex Court (supra), as such the respondents would be entitled to the benefit of annual increment, in terms of the law laid down by Hon'ble Supreme Court in C.P. Mundinamani's case (supra), as has been clarified in the case of M. Siddaraj's case (supra), vide order dated 20.02.2025.

4. In view of the above, we find no occasion to interfere with the view taken by the learned Single Judge. Accordingly, the appeal is dismissed.

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

**(ASHWANI KUMAR MISHRA)**  
**JUDGE**

**(ROHIT KAPOOR)**  
**JUDGE**

11.08.2025

rajesh

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