



RSA-1726-2025 (O&M)

-1-

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**RSA-1726-2025 (O&M)
Reserved on : 11.09.2025
Pronounced on : 15.09.2025**

State of Haryana and others

.....Appellants

Vs.

Kohar Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Mr. Harish Nain, AAG, Haryana,
for the appellants.

SUDEEPTI SHARMA J. (ORAL)

1. The present Regular Second Appeal is preferred against the judgment and decree dated 03.09.2021 passed by learned Additional Civil Judge (Senior Division), Fatehabad, whereby, the suit for declaration and mandatory injunction filed by the respondent was decreed in his favour and judgment and decree dated 02.07.2022 passed by learned District Judge, Fatehabad, whereby, appeal filed by the appellant against the judgment and decree dated 03.09.2021 was dismissed.

BRIEF FACTS

2. Brief facts of the case, as pleaded in the civil suit, are that the respondent retired from his service from the post of Health Inspector on 30.06.2011 on attaining the age of superannuation. He was issued PPO number and was getting pension in his account. As per the policy of the



RSA-1726-2025 (O&M)

-2-

Government of Haryana, respondent was to be given increment with effect from 01.07.2011 but the same was not given to him due to his retirement on 30.06.2011. He served notice to the appellant for the release of his increment, which was due on 01.07.2011 along with interest at the rate of 9% per annum but he was not granted the same. He, therefore, filed civil suit before the learned Additional Civil Judge (Senior Division), Fatehabad, who vide its judgment and decree dated 03.09.2021 decreed the civil suit filed by him in his favour. The appellant filed appeal against the judgment and decree dated 03.09.2021 before the learned Additional District Judge, Fatehabad, who vide its judgment and decree dated 02.07.2022 dismissed the appeal filed by the appellant. Hence, the present regular second appeal.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE APPELLANTS

3. Learned counsel for the appellants contends that both the courts have wrongly decreed the suit filed by the respondent without considering the fact that the respondent retired on 30.06.2011 on attaining the age of superannuation. He, therefore, prays that the present appeal be allowed and the civil suit filed by the respondent be dismissed.

4. I have heard learned counsel for the appellants and perused the whole record of this case with his able assistance.

5. The short issue involved in the present appeal is as to whether the respondent would be entitled to increment which was due on 01.07.2011,



after his retirement from service on 30.06.2011, on attaining the age of superannuation.

6. This Court in CWP-10040-2025 vide judgment dated 12.08.2025 has decided the issue involved in the present regular second appeal. The relevant paragraphs of the same are reproduced as under:-

“2. The issue in that regard stands settled by the judgment of the Supreme Court in The Director (Administration and HR) KPTCL and others Vs. C.P.Mundinamani and others, 2023 SCC Online SC 401. 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 Supreme Court in Union of India & Anr. Vs. M. Siddaraj (Civil Appeal No.3933 of 2023). Further clarification was issued by the Supreme Court through an order dated 20th February 2025, while disposing of miscellaneous applications in the M. Siddaraj’s case, which is reproduced as under:

“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 noncompliance 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 petitioners, who completed one year of continuous satisfactory service as on 30th of June, 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. The benefits found due in terms of the afore-said judgment shall be released by the State, to the writ petitioners within a period of three months.”*

In view of the law laid down by Hon’ble the Supreme Court in ***C.P.Mundinamani and others’s case (supra)***, which is followed by the Division Bench of this Court, respondent is entitled to increment, which was due on 01.07.2011, after his retirement from service on 30.06.2011, on attaining the age of superannuation.



RSA-1726-2025 (O&M)

-7-

7. Accordingly, I do not find any infirmity or illegality in the judgment and decree dated 03.09.2021 passed by learned Additional Civil Judge (Senior Division), Fatehabad, as well as the judgment and decree dated 02.07.2022 passed by learned District Judge, Fatehabad, and the same are hereby upheld.

8. Consequently, the present appeal is **dismissed**.

9. Decree sheet be drawn.

10. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

15.09.2025

Virender

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No