



RAJASTHAN HIGH COURT
HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 21/2020

Vijay Singh S/o Shri Ranjeet Singh, aged about 61 years, R/o Plot No. 3, Bhagawati Vihar, New Colony, Hospital Road, Acharol, Tehsil Amer, District Jaipur.

----Petitioner

Versus

1. State of Rajasthan through Principal Secretary, Department of Education, Govt. of Rajasthan, Secretariat Jaipur.
2. Principal Secretary, Department of Finance, Govt. of Rajasthan, Secretariat, Jaipur.
3. Director, Secondary Education, Bikaner.
4. Director, Directorate of Pension and Pensioner's Welfare, Rajasthan, Jyoti Nagar, Jaipur
5. District Education Officer, Secondary Education, Jaipur

----Respondents

Connected With

S.B. Civil Writ Petition No. 5827/2019

Omkar Lal Meena Son Of Chhittarlal Meena

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 13046/2019

Suresh Kumar Soni S/o Shri Champalal Soni

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 13305/2019

Dr. Sahdev Dan S/o Shri Bhanwar Dan

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 14503/2019

Shri Ramesh Prakash Sharma S/o Shri Sita Ram Sharma

----Petitioner

Versus

State Of Rajasthan

----Respondent



S.B. Civil Writ Petition No. 14608/2019

Dr. Nawal Kishore Upadhyay S/o Shri Kedar Nath Upadhyay

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 15234/2019

Murari Lal Sharma Son Of Shri Mittha Lal Sharma

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 16059/2019

Mahaveer Prasad Gupta Son Of Shri Ramavtar Gupta

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 16157/2019

Subah Singh S/o Shri Sadhu Singh

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 17149/2019

Mankeram Son Of Shri Shiv Lal

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 17523/2019

Sitaram Jangid (Senior Citizen) S/o Shri Jaman Lal Jangid

----Petitioner

Versus

Rajasthan State Road Transport Corporation

----Respondent

S.B. Civil Writ Petition No. 17525/2019

Jagdish Prasad Sharma Son Of Shri Motu Ram

----Petitioner

Versus





Rajasthan State Road Transport Corporation

----Respondent

S.B. Civil Writ Petition No. 17705/2019

Love Kumar Pareek S/o Late Sitaram Tiwari

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 17757/2019

Ramesh Chand Khandil S/o Late Shri Hanuman Sahai

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 17766/2019

Champa Lal Pareek S/o Mandora Ram Pareek

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 17778/2019

Hari Prasad Meena S/o Mool Chand Meena

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 17786/2019

Damodar Lal Sharma S/o Bihari Lal Sharma

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 17788/2019

Dinesh Chandra Sukhwai S/o Mahesh Chandra Sukhwai

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 17822/2019

Surya Prakash Ojha S/o Mohan Lal Ojha





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----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 17828/2019

Ramu Ram Kilania S/o Jaisa Ram Kilania

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 17910/2019

Jagdish Lal Dhakar S/o Ganga Ram Dhakar

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 18104/2019

Ramesh Kumar Sarva S/o Ram Jeewan Sarva

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 18105/2019

Balwant Ram S/o Maidan

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 18585/2019

Durga Lal Joshi S/o Laxmi Shankar Joshi

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 19049/2019

Jagdish Prasad Sharma S/o Sh. Chhuttan Lal Sharma

----Petitioner

Versus

The State Of Rajasthan

----Respondent





S.B. Civil Writ Petition No. 19089/2019
Niranjan Prasad Sharma S/o Shri Moti Lal Sharma
-----Petitioner

Versus

State Of Rajasthan
-----Respondent

S.B. Civil Writ Petition No. 19205/2019
Kamala Devi W/o Shishupal Singh
-----Petitioner

Versus

State Of Rajasthan
-----Respondent

S.B. Civil Writ Petition No. 19578/2019
Dharampal S/o Prithvi Singh
-----Petitioner

Versus

State Of Rajasthan
-----Respondent

S.B. Civil Writ Petition No. 19769/2019
Mohan Lal Jangid S/o Anna Ram
-----Petitioner

Versus

State Of Rajasthan
-----Respondent

S.B. Civil Writ Petition No. 19931/2019
Santosh Kumar Swami S/o Sh. Suwa Lal Swami
-----Petitioner

Versus

State Of Rajasthan
-----Respondent

S.B. Civil Writ Petition No. 20062/2019
Kanaram Raiger S/o Surjaram
-----Petitioner

Versus

The State Of Rajasthan
-----Respondent

S.B. Civil Writ Petition No. 21064/2019
Yogesh Tripathi S/o Shri Murari Lal Tripathi
-----Petitioner

Versus





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State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 45/2020

Netram S/o Shri Mangi Lal

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 119/2020

Ramawtar Jat S/o Shri Ganpat Ram

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 132/2020

Rajendra Kumar S/o Kisher Dev

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 149/2020

Nand Kumar S/o Ram Lal

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 153/2020

Bihari Lal Sharma S/o Shri Madholal Sharma

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 194/2020

Kishor Singh Naruka S/o Shri Fateh Singh Naruka

----Petitioner

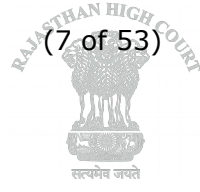
Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 200/2020

Jale Singh S/o Ramswaroop



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----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 203/2020

Satyaveer Singh Godara S/o Ramchandra Singh Godara

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 215/2020

Bhagwan Singh Dhaka Son Of Sh. Leechhman Singh

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 230/2020

Harlal Singh S/o Tiku Ram

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 260/2020

Ayub Mohammed Kaji S/o Mohammed Hanif Kaji

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 261/2020

Vijay Kumar S/o Jagmohan

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 369/2020

Rishi Kumar Sharma S/o Shri Banshidhar Sharma

----Petitioner

Versus

The State Of Rajasthan

----Respondent





S.B. Civil Writ Petition No. 401/2020

Ramswaroop Sharma S/o Shri Rameshwar Prasad Sharma

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 418/2020

Smt. Umed Kulahari W/o Sumer Singh Kulahari

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 419/2020

Jamila Khatoon D/o Abdul Shakoor Khan, W/o Dr. Zahid Hussain

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 457/2020

Mukut Bihari Lal Dhabhai S/o Madan Lal Dhabhai,

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 675/2020

Mahaveer Prasad Sharma S/o Rameshwar Prasad

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 678/2020

Pooran Singh S/o Roshan Singh

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 690/2020

Madhusudan Sharma S/o Shri Ladu Ram Sharma

----Petitioner

Versus





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The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 1123/2020

Dr. Anjum Saifi S/o N.s. Haque

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 1147/2020

Tikam Chand Loya S/o Shri Laxmi Narayan Loya

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 1159/2020

Dr. Santosh Gogiya W/o Shri Jagdish Kumar D/o Shri Ram Lal Gogiya

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 1584/2020

Surendra Singh S/o Prabhu Dayal

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 1632/2020

Rameshwar Prasad Sharma S/o Narasingh Prasad Sharma

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 1966/2020

Subhash Batra S/o Shri N.I. Batra

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 2136/2020





Premchand Jangir S/o Shri Kanhaiyalal

----Petitioner

Versus

Managing Director

----Respondent

S.B. Civil Writ Petition No. 2804/2020

Ram Lal Solanki S/o Late Shri Mohan Lal Solanki

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 3100/2020

Gurudayal Singh Jangir S/o Natha Ram

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 3314/2020

Rameshwar Lal Son Of Late Shri Chuna Ram

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 3367/2020

Vidhyadhar Singh Son Of Late Shri Mala Ram Age 62 Years

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 3477/2020

Bajrang Singh Shekhawat S/o Kalyan Singh

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 3736/2020

Babu Lal S/o Basant Ram Saini

----Petitioner

Versus

State Of Rajasthan





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----Respondent

S.B. Civil Writ Petition No. 4063/2020

Shrawan Singh Shekhawat S/o Bhanwar Singh Shekhawat

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 4100/2020

Jagdish Mali S/o Shri Damodar Lal Mali

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 7430/2020

Ranjit Singh S/o Shri Hari Ram

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 8833/2020

Suresh Kumar Patidar S/o Shri Mathura Prasad

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 9527/2020

Sanwar Mal Sharma S/o Shri Sita Ram Sharma

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 9528/2020

Om Prakash Tailor S/o Shri Surajmal

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 9529/2020

Jagdish Prashad Sharma S/o Shri Chouthmal Sharma

----Petitioner



Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 9530/2020

Mool Chand Tailor S/o Shri Harinarayan

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 9531/2020

Madan Lal Sharma S/o Shri Ganga Sahay Sharma

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 9532/2020

Dr. Ramesh Rav Shinde S/o Shri Anand Rav Shinde

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 9533/2020

Mal Chand Sharma S/o Shri Hanuman Prasad Sharma

----Petitioner

Versus

The Managing Director

----Respondent

S.B. Civil Writ Petition No. 9754/2020

Kailash Narayan Sharma S/o Shri Raghunath Sharma

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 13234/2020

Chhigan Singh S/o Shri Madho Ram

----Petitioner

Versus

Ajmer Vidyut Vitaran Nigam Limited

----Respondent

S.B. Civil Writ Petition No. 13316/2020





Manju Devi Sharma W/o Shri Vimal Kumar Sharma
-----Petitioner

Versus

State Of Rajasthan
-----Respondent

S.B. Civil Writ Petition No. 14731/2020

Phool Chand Balai S/o Sh. Ramsahai
-----Petitioner

Versus

State Of Rajasthan
-----Respondent

S.B. Civil Writ Petition No. 14744/2020

Banshi Dhar Saini S/o Sh. Bhagwan Sahai Saini
-----Petitioner

Versus

State Of Rajasthan
-----Respondent

S.B. Civil Writ Petition No. 46/2021

Anil Kumar Goyal S/o Naresh Chand Goyal
-----Petitioner

Versus

State Of Rajasthan
-----Respondent

S.B. Civil Writ Petition No. 508/2021

Dwarika Prasad Gupta S/o Shri Moolchand Gupta
-----Petitioner

Versus

The State Of Rajasthan
-----Respondent

S.B. Civil Writ Petition No. 1031/2021

Ashok Kumar Sharma S/o Shri Pooranmal Sharma
-----Petitioner

Versus

State Of Rajasthan
-----Respondent

S.B. Civil Writ Petition No. 1319/2021

Thakur Das S/o Shri Narayan Das
-----Petitioner

Versus

State Of Rajasthan





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----Respondent

S.B. Civil Writ Petition No. 4451/2021

Mahaveer Prasad Agarwal S/o Jamna Lal

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 7098/2021

Om Prakash Choudhary S/o Late Shri Jesa Ram

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 7258/2021

Dr. Bhagwan Singh Nathawat S/o Late Shri P.s. Nathawat

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 7606/2021

Narendra Prasad Pareek S/o Shri Govind Sahay Pareek

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 7710/2021

Goru Ram Choura S/o Nathu Ram

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 9633/2021

Shyam Lal Verma S/o Shri Mangelal Verma

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 9817/2021

Laxman Ram Sharma S/o Shri Mali Ram Sharma

----Petitioner



State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 10085/2021

Ram Ji Lal Saini S/o Chatur Lal Saini

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 10488/2021

Radha Krishna Tank S/o Bhuramal

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 11097/2021

Kanhaiya Lal S/o Shri Krishna

----Petitioner

Versus

Secretary Administration, Jaipur Vidhyut Vitaran Nigam Ltd.

----Respondent

S.B. Civil Writ Petition No. 12744/2021

Hanuman Sahai Meena S/o Shri Chhotu Ram Meena

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 13008/2022

Mahendra Kumar Sharma S/o Shrikrishan Sharma

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 13041/2022

Raghuveer S/o Shri Bakhtavar Singh

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 17126/2022





Amarjeet Singh Bedi S/o Manohar Singh

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 1395/2023

Gopal Krishan Soni S/o Akshay Raj Soni

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 6370/2023

Mahavir Prasad S/o Late Shri Norang Ram

----Petitioner

Versus

State Of Rajathan Through Principal Secretary

----Respondent

S.B. Civil Writ Petition No. 7273/2019

Ashok Kumar Joshi S/o Shri Gheesa Lal Joshi

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 7472/2019

Subhash Chand Swami S/o Shri Heera Lal Swami

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 7474/2019

Shri Mohan Lal Gupta S/o Shri Bhaure Lal Gupta

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 7627/2019

Gordhan Lal Jain S/o Badri Prasad

----Petitioner

Versus

The State Of Rajasthan





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----Respondent

S.B. Civil Writ Petition No. 7630/2019

Smt. Sarla Upadhyay D/o Jainarayan Sharma

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 7663/2019

Smt. Pushpa Sharma W/o Madan Mohan Sharma

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 7686/2019

Shri Rambabu Gupta S/o Shri Panna Lal Gupta

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 7854/2019

Bhupendra Singh Chauhan S/o Shri Jai Singh Chauhan

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 8083/2019

Dinesh Kumar Sharma S/o Shri Deendayal Sharma

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 8310/2019

Tej Pal Yadav S/o Shri Balbir Singh Yadav

----Petitioner

Versus

The State of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 8463/2019

Dr. Vasudev Gupta S/o Shri Mahaveer Prasad

----Petitioner



Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 9830/2019

Dr Somkant Bhojak S/o Shri Ram Kumar Bhojak

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 9913/2019

Pramod Kumar Singhal S/o Shri Chaman Lal Singhal

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 10203/2019

Dr. Ghanshyam Lal S/o Shri Prabhati Lal

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 11596/2019

Vaidhay Kedar Lal Sharma S/o Shri Ram Sahay Sharma

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 14042/2019

Ramji Lal Sharma S/o Shri Madan Lal Sharma

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 14765/2019

Prabhu Narain Sharma S/o Sh. Sita Ram Sharma

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 15745/2019



Suresh Singh Chouhan S/o Shripal Singh

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 15845/2019

Jagdish Singh S/o Shri Maidhan Singh

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 15853/2019

Shashi Jain D/o Shri Jagdish Bahadur Jain

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 15876/2019

Hanuman Singh Purohit S/o Jal Singh Purohit

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 16055/2019

Mahesh Chandra Sharma S/o Shri Prahalad Narain Sharma

----Petitioner

Versus

The Additional Chief Secretary

----Respondent

S.B. Civil Writ Petition No. 16188/2019

Om Prakash Singh S/o Shri Mangej Singh

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 16199/2019

Kanhiya Lal Raghuvanshi Son Of Shri Kalu Lal Nayak

----Petitioner

Versus

State Of Rajasthan





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----Respondent

S.B. Civil Writ Petition No. 16203/2019

Shri Ganesh Shankar Upadhyay S/o Shri Radha Raman
Upadhyay

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 16895/2019

Ramesh Chand Sharma S/o Shri Damodar Prasad Sharma

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 17701/2019

Ramesh Sharma (Tiwari) S/o Mahender Prakash

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 17816/2019

Gopal Lal Sharma S/o Mool Chand Sharma

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 17835/2019

Smt Prem Kumari Sharma D/o Radhe Shyam Pancholi

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 17855/2019

Raghuveer Prasad Gurjar S/o Suraj Mal Gurjar

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 18027/2019

Udai Singh Saini S/o Parbhati Lal Saini



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----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 18114/2019

Shiv Kumar Sharma S/o Shri Jugal Kishor

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 19689/2019

Rajendra Prasad Bari S/o Durga Prasad Bari

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 319/2020

Chandgi Ram S/o Ram Lal

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 538/2020

Niranjan Lal Yadav S/o Shri Dharampal Yadav

----Petitioner

Versus

Director, Secondary Education

----Respondent

S.B. Civil Writ Petition No. 671/2020

Mohar Singh, S/o Shri Birbal

----Petitioner

Versus

The University Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 782/2020

Deep Chand Yadav S/o Shri Ramswoop Yadav

----Petitioner

Versus

State Of Rajasthan

----Respondent





S.B. Civil Writ Petition No. 1626/2020
Harish Kumar Gupta S/o Shri Shanti Prasad Gupta,
-----Petitioner

Versus

State Of Rajasthan
-----Respondent

S.B. Civil Writ Petition No. 1700/2020
Laxminarayan Sharma S/o Shri Sewaram Sharma
-----Petitioner

Versus

State Of Rajasthan
-----Respondent

S.B. Civil Writ Petition No. 2337/2020
Ratanlal Sharma Son Of Shri Bhagwana Ram Sharma
-----Petitioner

Versus

State Of Rajasthan
-----Respondent

S.B. Civil Writ Petition No. 2347/2020
Mali Ram Khatik S/o Shri Dula Ram
-----Petitioner

Versus

Ajmer Vidyut Vitaran Nigam Limited
-----Respondent

S.B. Civil Writ Petition No. 2372/2020
Ganesh Narayan Saini S/o Late Shri Lallu Ram Saini
-----Petitioner

Versus

State Of Rajasthan
-----Respondent

S.B. Civil Writ Petition No. 2374/2020
Devi Singh Chouhan S/o Shri Bal Kishan Chouhan
-----Petitioner

Versus

State Of Rajasthan
-----Respondent

S.B. Civil Writ Petition No. 2375/2020
Ashok Kumar Sharma S/o Shri Brahm Dutt Sharma
-----Petitioner

Versus





[CW-21/2020]

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 2387/2020

Syed Ghayasuddin S/o Diwan Syed Soulat Hussain

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 3779/2020

Narayan Lal Sanadhya S/o Mangi Lal Sanadhya

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 10493/2020

Ganesh Narayan Yadav S/o Kalyan Mal Yadav

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 10704/2020

Madhoprasad Sharma S/o Late Shri Jaganath Prasad Sharma

----Petitioner

Versus

Ajmer Vidyut Vitran Nigam Limited

----Respondent

S.B. Civil Writ Petition No. 12473/2020

Laxman Singh S/o Shri Durjan Singh

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 13534/2020

Rajesh Kumar Verma S/o Radhey Shyam Verma

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 861/2021

Mahadev Prasad Yadav S/o Shri Daulat Ram Yadav





[CW-21/2020]

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 8892/2022

Ram Karan S/o Shri Surja Ram

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 11037/2022

Virendra Singh Sodha Son Of Shri Mukund Singh Sodha

----Petitioner

Versus

Ministry Of Home Affairs

----Respondent

S.B. Civil Writ Petition No. 11308/2022

Pawan Kumar Sharma Son Of Shri Gangasahay Sharma

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 11323/2022

Sita Ram Gurjar S/o Shri Jiwan Ram Gurjar

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 18381/2022

Dr. Sridhar Sharma S/o Late Shri Gattu Lal Sharma

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 21650/2019

Surendra Singh Udawat S/o Lt. Sh. Mansingh Udawat

----Petitioner

Versus

State Of Rajasthan



----Respondent

For Petitioner(s) : Mr. Sudhir Yadav
Mr. K.C. Sharma
Mr. Sandeep Saxena
Mr. Lokendra Singh Shekhawat
Mr. Samrath Sharma
Mr. Anand Sharma
Mr. Ravi Kant Agarwal
Mr. S.K. Saxena
Mr. Rahul Ghiya
Mr. Ram Pratap Saini
Mr. V.K. Gaur
Mr. C.P. Sharma
Mr. Jai Lodha
Mr. Hanuman Choudhary
Mr. Sandeep Sharma
Mr. Kamal Kant Sharma
Ms. Sonia Kumari
Mr. Vigyan Shah
Mr. Amit Singh Shekhawat
Mr. Shashwat Purohit
Ms. Parmeshwari Choudhary
Mr. Devendra Kumar Bhardwaj
Mr. Prahlad Singh
Mr. Sandeep Kalwaniya
Mr. Tanveer Ahamad
Mr. Mahesh Kumar Sharma
Mr. Damodar Prasad Pujari
Mr. Rajveer Sharma
Mr. Rajkumar Sharma
Mr. Ashwani Jangid
Mr. Ajay Choudhary
Mr. Mahendra Sharma
Mr. Atul Kumar Jain
Mr. R.D. Meena
Mr. Akhil Simolte
Mr. Nishant Sharma
Mr. Bhartesh Joshi
Dr. Saugath Roy
Mr. Akhilesh Kumar Saini
Mr. Santosh Singh Shekhawat
Mr. Dinesh Kumar Saini
Mr. Sumit Khandelwal
Mr. Sandeep Garssa
Mr. Krishan Kumar Sharma

For Respondent(s) : Major R.P. Singh, AAG (Sr. Adv.)
Mr. C.L. Saini, AAG
Ms. Sheetal Mirdha, AAG
Mr. Rajesh Maharshi, AAG with
Mr. S.S. Raghav, AAG with





Mr. A.S. Rathore,
Mr. Mananjay Rathore
Mr. Udit Sharma & Ms. Shretima Bagri
Dr. Ganesh Parihar, AAG with
Mr. Sameer Sharma & Mr. Vishnu
Shanker Badaya
Mr. Hari Kishan Saini, Dy.G.C.
Mr. Rohit Choudhary, Dy.G.C.
Mr. Ajay Pratap Singh, Dy.G.C.
Mr. P.S. Naruka for
Mr. Rupin Kala, GC
Ms. Parnitoo Jain
Mr. Akshay Sharma, AGC
Mr. Narendra Singh Yadav, RHB



HON'BLE MR. JUSTICE ANOOP KUMAR DHAND

JUDGMENT

RESERVED ON :: 02.06.2023
PRONOUNCED ON :: 21.07.2023

REPORTABLE

1. Common question of law is involved in all these writ petitions and all these petitions are based on same facts. Therefore, with the consent of the counsel for all the parties, these matters are taken up for final disposal.
2. Invoking the extraordinary jurisdiction of this Court contained under Article 226 of the Constitution of India all these petitions have been submitted for seeking direction to the respondents to grant them notional increment with effect from 1st July for the services rendered by them from 1st July till 30th June and consequently re-fix their pensionary benefits.
3. The grievance of the petitioners is that the respondents have declined them the benefit of notional increment on the ground that they retired one day before the increment was due. Counsel for the petitioners submitted that the petitioners worked for the entire year w.e.f. 1st July, till 30th June with good conduct and they



stood retired on 30th June after attaining the age of superannuation and no departmental inquiry or judicial proceedings were pending against them, hence petitioners are entitled to get annual increment which fell due on 1st July but the benefit of the said increment has not been extended to them because they retired prior to one day i.e. on 30th June. Counsel submitted that since the petitioners completed one year prior to their retirement hence they are entitled to get benefit of notional increment which becomes due on 1st July. Counsel submitted that it would be wholly arbitrary if the increment earned by the petitioners on the basis of their good conduct for a year is denied only on the ground that they were not in employment on the succeeding day when increment became payable. Counsel submitted that the impugned action of the respondents offends the spirit of reasonableness enshrined under Article 14 of the Constitution of India.

4. In support of their contentions they have placed reliance upon the following judgments:-

(i) All India Judges Association Vs. Union of India Writ Petition Civil No.643/2015 ,

(ii) The Director (Admn. And H.R.) KPTCL & Ors. Vs. C.P. Mundinamani & Ors. reported in 2023 SCC online SC 401.

(iii) Gopal Singh Vs. Union of India & Ors. reported in 2020 SCC Online Delhi 2640.

(iv) P. Ayyamperumal Vs. the Registrar, Central Administration Tribunal Writ Petition No.15732/2017 decided by the Madras High Court upheld by the Hon'ble Apex Court in S.L.P (C) 022008/2018 in the case of Union of India Vs. P. Ayyamperumal on 14.08.2018.



5. Counsel submitted that in view of the submissions made herein above these petitions be disposed of with directions to the respondents to grant the petitioners notional increment from 1st July till 30th June and consequently refix their pensionary benefits.

6. Per contra, learned counsel for the respondents opposed the arguments raised by the counsel for the petitioners and submitted that the rule making authority has specified 1st July of the year for release of annual increment for all the employees. Counsel submitted that the rule is reasonable and non-discriminatory. Counsel submitted that as the rule stands, the only interpretation possible is that a person who retires w.e.f. 30th June of a year, is not entitled to claim increment falling due on 1st July of that year. Counsel submitted that the judgment of the Madras High Court in the case of **P. Ayyamperumal (Supra)** is per incuriam, hence the same has no binding effect. Counsel submitted that subsequently the judgment of **P. Ayyamperumal (supra)** was followed by various High Courts in subsequent judgments but the above judgment is not a good precedent. Counsel submitted that the similar controversy came before the Division Bench of this Court in the case of **Safi Mohammad and ors. Vs. State of Raj. & Anr. D.B. Civil Writ Petition No.6024/2021** wherein the validity of Rule 14 of the Civil Services (Revised Pay) Rules 2008 (for short, 'Rule of 2008') and Rule 13 of the Rajasthan Civil Services (Revised Pay) Rules 2017 (for short, 'Rules of 2017') was challenged but the Division Bench of this Court upheld the validity of these Rules of 2008 and 2017 respectively and the petitions were dismissed.





7. Counsel submitted that the D.B. Civil Review Petition (Writ) No.100/2022 against the judgment of Safi Mohammad is pending before the Principal Seat of this Court.

8. Counsel submitted that the judgments of Hon'ble Apex Court in the cases of **All India Judges Association (supra)** and **C.P. Mundinamani (supra)** are not applicable in present matters because the Rules in these matters were altogether different. In support of their contention, the respondents have placed reliance on the following judgments:-

(i) Union of India Vs. G.C. Yadav 9062/2018 decided by Delhi High Court,

(ii) M/s Craft Interiors (P) Ltd. Vs. The Joint Commissioner of Commercial Taxes (Intelligence) & Anr.:Civil Appeal No.8898/2011 decided by Hon'ble Apex Court

(iii) Khodey Distilleris Ltd. Vs. Sri Mahadeshwara Sahakara Sakkare Karkhane Ltd. Kollegal: Civil Appeal No.2432/2019 decided by Hon'ble Apex Court

(iv) Sivakami and Ors. Vs. State of Tamil Nadu and Ors. reported in AIR 2018 SC 2637,

(v) State of Tamil Nadu Vs. M. Baalasuvarmanian: W.P. No. 1940/2012 decided by the Madras High Court.

(vi) Union of India Vs. R. Sundara Rajan & Ors. CDJ 2012 MHC 6525 decided by Madras High Court

(vii) Principal Accountant General and Ors. Vs. C.Subba Rao (W.P. No.2419/2003) decided by Andhra Pradesh High Court.

(viii) Union of India (UOI) Vs. K.R. Sanal Kumar: W.P. (C) No.26613/2005 decided by Kerla High Court.

(ix) K.L. Bhardwaj Vs. State of J.& K. and Ors. SWP No.2019/2006 decided by Jammu & Kashmir High Court.

(x) Bhagirath Mal Vs. State of Raj. And ors. :SBCWP No.14650/2019 decided by this Court at Jaipur Bench

(xi) National Insurance Company Limited Vs. Pranay Sethi and Ors. : AIR 2017 SC 5157



सत्यमेव जयते

(xiii) P. Annamperumal Vs. The Registrar, CAP:WP No.15732/2017, decided by Madras High Court.

9. Counsel submitted that in view of the submission made hereinabove, these petitions deserve to be dismissed.

10. Heard and considered the submission made at the bar and perused the material available on the record.

11. Admittedly, all the petitioners have retired on 30th June after attaining the age of superannuation. And all of them are claiming the benefit of notional increment which became due one day after their retirement i.e. on 1st July. Now the issue remaining for adjudication is that whether they are entitled to get the same or not?

This hurdle has been caused by Rule 14 of the Rules of 2008 and the same is reproduced as under:

"14. Date of next increment in the running pay band.-There will be a uniform date of annual increment, viz. 1st July of every year. Employees completing 6 months and above in the running pay band as on 1st of July will be eligible to be granted the increment. The first increment after fixation of pay on 01.01.2006 or thereafter as per option in the running pay band will be granted to the employees, who have completed 6 months and above as on 01.07.2006.]

Provided that in the case of persons who had been drawing maximum of the existing pay scale for more than a year as on the [1st day of January, 2006], the next increment in the running pay band shall be allowed on the 1st day of January, 2006]. Thereafter, the provision of Rule 14 would apply.

Note: In cases where two existing scales, one being a promotional scale for the other, are merged, and the junior Government servant, now drawing his pay at equal or lower stage in the lower scale of pay, happens to draw more pay in the running pay band than the pay of the senior Government servant in the existing higher scale,



the pay in the running pay band of the senior Government servant shall be stepped up to that of his junior from the same date and he shall draw next increment in accordance with Rule 14.

12. This pattern continued even under Rules of 2017 as provided in Rule 13 which reads as under:-

“13. Date of next increment in revised pay structure.-

(1) There will be a uniform date of annual increment viz. 1st July of every year after fixation of pay under these rules. Employees completing 6 months and above in any Level as on 1st of July will be eligible to be granted the increment.

(2) Every new recruit on completion of probation period successfully shall be allowed first annual increment on 1st July, which immediately follows the date of completion of probation period.”

13. At this juncture it is worthy to note here that the legality and validity of Rule 14 of the Rules of 2008 and Rule 13 of the Rules of 2017 was challenged before the Division bench of this Court at Principal Seat in the case of **Safi Mohd. And ors. Vs. State of Rajasthan and ors. in D.B. Civil Writ Petition 6024/2021** and this petition was dismissed on 01.12.2021 with the following observations:

“We have reproduced Rules 14 and 13 of the respective rules pertain to the date of next increment in a pay band. As noted, prior to the promulgation of the Rules of 2008, the increments were released in favour of a Government employee on different dates depending on the date of joining the service. However, the Central Government as well as the State Government rationalized this date of release of annual increment for all Government employees on 1st July of a particular year. In Rule 14 of Rules of 2008, therefore, it is provided that there will be uniform date of annual increment, namely, 1st July of every year. Such annual increment would be released to every employee completing 6 months and above in the running pay band as on 1st July. To obviate the





difficulties of the existing employees, this rule provides that the first increment after fixation of pay on 01.09.2006 (i.e. the date from which the Rules of 2008 were made effective) or thereafter as per the option in the running pay band will be granted to the employees who had completed 6 months and above as on 01.07.2007. Similar provisions have been made in Rule 13 of the Rules of 2017.

We do not find any force in the submission of the learned counsel for the petitioners that every employee who retires on 30th June of a particular year, must receive the increment which as per these rules falls due on 1st July. The grant of annual increment is part of pay structure which the Government prescribes for its employees and is governed by statutory rules. Annual increment is granted by way of incentive in order to reward long service rendered by the Government employee. It is different from the dearness allowance which the Government declares from time to time and is meant to offset for the diminished value of purchasing price of the rupee with increase in inflation. Such increment can be claimed only in terms of the statutory rules.

We are conscious that the Madras High Court and Delhi High Court have taken a different view. Heavy reliance was placed by the learned counsel for the petitioner on a Division Bench judgment of Madras High Court in the case of **P. Ayyamperumal Vs. The Registrar and others (W.P. No. 15732 of 2017 decided on 15.09.2017)**. This judgment proceeds on the earlier judgment of the Court in the case of State of **Tamil Nadu Vs. M. Balasubramaniam (CDJ 2012 MHC 6525)** which was rendered by the Single Judge and approved by the Division Bench. Likewise, the Division Bench of Delhi High Court in the case of **Gopal Singh Vs. Union of India and others (W.P.(C) 10509/2019 decided on 23.01.2020)**, has also relied upon and accepted the decision in case of **M. Balasubramaniam (supra) of Madras High Court**. Yet another decision in the case of **Arun Chhibber Vs. Union of Indian and others (W.P.© 5539/2019 decided on 13.01.2020)**, the Division Bench of Delhi High Court



reiterated this proposition on the basis of decision in the case of M. Balasubramaniam (**supra**).

We have perused the decision of the Madras High Court in the case of M. Balasubramaniam (supra) which is the base judgment, which the subsequent Division Benches of Madras High Court and Delhi High Court have followed. This was a case in which the petitioner, who was in State service, had retired w.e.f. 31st March, 2003. He had claimed the benefit of pension on the basis of increment which fell due on 01.04.2003, on the basis of the judgment of Supreme Court in the case of **S. Banerjee Vs. Union of India and others (AIR 1990 SC 285)**. Upon his superannuation, he was re-employed and continued in service up to 31st March, 2003. It was on that basis that the petitioner had claimed the benefit of an additional annual increment falling due on 01.04.2003. This was opposed by the Government on the ground that on 01.04.2003, he was not in Government service. In such background, the High Court had allowed the petition and directed that the representation of the petitioner for grant of annual increment for the period from 01.04.2002 to 31.03.2003 shall be considered in light of the judgment of the Supreme Court in the case of S. Banerjee (supra).

If we peruse the judgment of the Supreme Court in the case of S. Banerjee (supra), the facts were that the petitioner was allowed to retire voluntarily from service with effect from the forenoon of 1st January, 1986. He was not given the benefit of revision of salary which was brought into effect from 01.01.1986. The Government had argued before the Supreme Court that in view of the proviso of Rule 5(2) of the Central Civil Service(Pension) Rules, 1972, the petitioner will not be entitled to any salary for the day on which he actually retired and therefore, his claim for granting the benefit of revision of pay scales would not be justified. The Supreme Court repelled this contention on the ground that the employee retired with effect from the forenoon of 01.01.1986 and not with effect from 31st December, 1985 and therefore the revision of pay scales would be applicable to him.



In our view, there is a fine distinction in the judgment of the Supreme Court in the case of S. Banerjee (supra) and the facts of the present case. In the present case, all the petitioners admittedly retired on 30th June and not with effect from 1st July. The decision of the Supreme Court therefore will not aid the petitioners in the present case. We are in respectful disagreement with the view of Madras High Court in the case of N. Balasubramaniam (supra) in which in our opinion, the decision of the Supreme Court in case of S. Banerjee (supra) has been applied though the facts were different. Since all subsequent judgments noted above merely refer to and rely upon the judgment in the case of M. Balasubramaniam (supra), we cannot concur with such views.

We notice that a Division Bench of Himachal Pradesh High Court in the case of Hari Prakash (supra) has taken a similar view. The earlier decisions of Madras High Court and Delhi High Court have been noticed.

We are conscious that the S.L.P against the decision of the Madras High Court in the case of P. Ayyamperumal (supra) came to be dismissed by the Supreme Court observing that "on the facts" the Court is not inclined to interfere with the judgment. However, this expression cannot be seen as approval of the judgment on merits. We are therefore entitled to take an independent view, which we have taken.

In case of Prabhu Dayal Sesma vs. State of Rajasthan, it was held that while calculating the age of a person, the day of his birth must be counted as a whole and he attains the specified age on the day preceding the anniversary of his birthday. A Division Bench of the Delhi High Court in case of **Union of India vs. A. Chaudhari reported in 2009 SCC Online Del. 4338** considered a case where an employee retired on superannuation on 31.3.1995. Fifth Pay Commission recommendations were made effective from 1.4.1995 in which death-cum-retiral gratuity benefits were increased. The employee claimed such higher benefits. The court relying on a Division Bench judgment of Karnataka High Court held that the employee cannot contend that he had retired





with effect from 01.04.1995 and therefore higher benefits cannot be granted. Similar view was taken by the Division Bench of the Gujarat High Court in case of **C.R.Samajpati vs. Union of India reported in 2009 SCC OnLine Guj. 10857.**

Before closing, we find nothing arbitrary or discriminatory about the rules in question. The annual increment is released with effect from a particular date. As a consequence, it is natural that someone would fall on the wrong side of such a date. That by itself would not render the rule arbitrary. The direction for releasing an additional increment in favour of retirees is also not free from practical complications. None of the judgments cited by the learned counsel for the petitioners refer to the date as on which such increment would be released. For proper pay fixation and calculation of the re-fixed pay after releasing the annual increment, it is absolutely essential that the date as on which such increment is released, be specified. If it is to be released as on 30th June of the year of retirement, we do not see how this can result into any benefit to the petitioners since their pension would be drawn on the basis of last 10 months of salary and releasing the notional increment on the last date of service would not augment the salary in any manner. On the other hand, if the expectation of the petitioners is that such annual increment may be released as on 1st July of the last year of their working, this would lead to two increments being released on the same date which is wholly impermissible.

In the result, the petition is dismissed."

14. After the aforesaid judgment of the Division Bench of this Court in the case of **Safi Mohammad (supra)**, two similar matters were decided by the Hon'ble Apex Court in the case of **C.P. Mundinamani (supra)** and **All India Judges Association (supra)** and it has been held that a retired employee is entitled to get one annual increment which was earned by him on the last day of his service preceding one year from the date of retirement



with good behavior and efficiency. On the basis of above judgments, a D.B. Review Petition No.100/2022 has been submitted by the said Safi Mohammad before the Division bench at the Principal Seat of this Court and the same is pending. Now another question before this Court is whether under these changed circumstances, can this court hear and decide this bunch of petition?

15. Hon'ble Apex Court in the case of **Suganthi Suresh Kumar Vs. Jagdeeshan** reported in **AIR 2002 SC 681**, has held that the law declared by the Supreme Court cannot be bypassed by the High Court on the ground that some point has not been considered. In para 9 of the judgment it has been held as under:-

"9: It is impermissible for the High Court to overrule the decision of the apex Court on the ground that Supreme Court laid down the legal position without considering any other point. It is not only a matter of discipline for the High Courts in India, it is the mandate of the Constitution as provided in Article 141 that the law declared by the Supreme Court shall be binding on all courts within the territory of India. It was pointed out by this Court in Anil Kumar Neotia V. Union of India, AIR 1988 SC 1353 that the High Court cannot question the correctness of the decision of the Supreme Court even though the point sought before the High Court was not considered by the Supreme Court."

16. According to Sir John Salmond, "A precedent is said to be a judicial decision which contains its principles. The stated principle which thus forms its authoritative element is called the ratio *decidendi*. The concrete decision is thus binding between the parties, but it is the abstract *decidendi* which alone has the force of law as regards to the world at large."



17. In other words, Salmond further said that "in a loose sense, it includes merely reported case law which may be cited and followed by courts. In a strict sense, that case law which not only has great binding authority but also must be followed. All in all precedents are authorities of past decisions for future cases. It must be repassed, cited and followed by courts." The precedent covers everything said or done, which furnishes a rule for subsequent practice.

18. United Kingdom House of Lords in the case of **Cassell & Co. Ltd. Vs. Broome** reported in **1972 (2) WLR 645/1972 UKHL 3** held that "In the hierarchical system of Courts, it is necessary for each lower tier to accept loyally the decision of the higher tiers. It is inevitable in the hierarchical system of courts that the decisions of the Supreme Appellate Tribunal do not attract the unanimous approval of the judiciary. But the system only works if someone is allowed to have the last word, which once spoken, is loyally accepted."

19. In the case of **Lalu Jera and ors. Vs. State of Gujarat (AIR 1962 Gujarat 250)**, the Gujarat High Court has reiterated that if a declaration of law has been made by the Hon'ble Supreme Court, it is not open to subordinate Courts to hold, that declaration of law is not binding, because on facts, the case decided by the Supreme Court is distinguishable from the case file before the subordinate Court. All subordinate Courts to the Supreme Court are bound by all declarations of law made by the Supreme Court, even when on facts the case decided by the Supreme Court is distinguishable from the case file before the



subordinate Court. If the observations of the Supreme Court amounts to a declaration of law, it is binding on all subordinate Courts as provided in Article 141 of the Constitution of India.

20. It is no more res integra question that the judiciary should reinforce the law and justice by balancing between the precedents to ensure certainty and legal interpretations to tackle future controversies.

21. After the judgment passed by the Division bench of this Court in the case of **Safi Mohammad (supra)**, the similar controversy came before the Hon'ble Apex Court in the case of **C.P. Mundinamani (supra)** and **All India Judges Association (supra)** and the same was decided by the Hon'ble Apex Court after considering the views taken by the High Courts of Madhya Pradesh, Gujarat, Allahabad, Madras, Orrisa, Delhi, Andhra Pradesh and Himachal Pradesh in favour of the retired employees that they have right to receive the increment due to satisfactory services of a year.

22. The same issue came before the Hon'ble Apex Court in the case of **C.P. Mundinamani (supra)** where the Division Bench of Karnataka High Court directed the employer to grant one annual increment which the employee earned one day prior to his retirement on attaining the age of superannuation.

23. The issue before the Apex Court in the case of **C.P. Mundinamani (supra)** was "Whether an employee who has earned the annual increment is entitled to the same despite the fact that he has retired on the very next day of earning the increment?"



24. The issue was discussed and decided by the Hon'ble Apex Court in para 6.1. to 6.7 as under:

"6.1 In the present the relevant provision is Regulation 40(1) of the Regulations which reads as under: -

"Drawals and postponements of increments

40(1) An increment accrues from the day following that on which it is earned. An increment that has accrued shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld from an employee by the competent authority, if his conduct has not been good, or his work has not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld, and whether the postponement shall have the effect of postponing future increments."

6.2 It is the case on behalf of the appellants that the word used in Regulation 40(1) is that an increment accrues from the day following that on which it is earned and in the present case the increment accrued on the day when they retired and therefore, on that day they were not in service and therefore, not entitled to the annual increment which they might have earned one day earlier. It is also the case on behalf of the appellants that as the increment is in the form of incentive and therefore, when the employees are not in service there is no question of granting them any annual increment which as such is in the form of incentive.

6.3 At this stage, it is required to be noted that there are divergent views of various High Courts on the issue involved. The Full Bench of the Andhra Pradesh High Court, the Himachal Pradesh High Court and the Kerala High Court have taken a contrary view and have taken the view canvassed on behalf of the appellants. On the other hand, the Madras High Court in the case of **P. Ayyamperumal (supra)**; the Delhi high Court in the case of **Gopal Singh Vs. Union of India and Ors. (Writ Petition (C) No. 10509/2019 decided on 23.01.2020)**; the Allahabad High Court in the case of **Nand Vijay Singh and Ors. Vs. Union of India and Ors. (Writ A No. 13299/2020 decided on 29.06.2021)**; the Madhya Pradesh High Court in the case of **Yogendra**





Singh Bhadauria and Ors. Vs. State of Madhya Pradesh; the Orissa High Court in the case of **AFR Arun Kumar Biswal Vs. State of Odisha and Anr. (Writ Petition No. 17715/2020 decided on 30.07.2021);** and the Gujarat High Court in the case of **State of Gujarat Vs. Takhatsinh Udesinh Songara (Letters Patent Appeal No. 868/2021)** have taken a divergent view than the view taken by the Full Bench of the Andhra Pradesh High Court and have taken the view that once an employee has earned the increment on completing one year service he cannot be denied the benefit of such annual increment on his attaining the age of superannuation and/or the day of retirement on the very next day.



6.4 Now so far as the submission on behalf of the appellants that the annual increment is in the form of incentive and to encourage an employee to perform well and therefore, once he is not in service, there is no question of grant of annual increment is concerned, the aforesaid has no substance. In a given case, it may happen that the employee earns the increment three days before his date of superannuation and therefore, even according to the Regulation 40(1) increment is accrued on the next day in that case also such an employee would not have one year service thereafter. It is to be noted that increment is earned on one year past service rendered in a time scale. Therefore, the aforesaid submission is not to be accepted.

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. In the case of Gopal Singh (supra) in paragraphs 20, 23 and 24, the Delhi High Court has observed and held as under: -

(para 20)

“Payment of salary and increment to a central government servant is regulated by the provisions of F.R., CSR and Central Civil Services (Pension) Rules.

Pay defined in F.R. 9(21) means the amount drawn monthly by a central government servant and includes the increment. A plain composite reading of applicable provisions leaves no ambiguity that annual increment is given to a government servant to enable him to discharge duties of the post and that pay and allowances are also attached to the post. [Article 43](#) of the CSR defines progressive appointment to mean an appointment wherein the pay is progressive, subject to good behaviour of an officer. It connotes that pay rises, by periodical increments from a minimum to a maximum. The increment in case of progressive appointment is specified in [Article 151](#) of the CSR to mean that increment accrues from the date following that on which it is earned. The scheme, taken cumulatively, clearly suggests that appointment of a central government servant is a progressive appointment and periodical increment in pay from a minimum to maximum is part of the pay structure. [Article 151](#) of CSR contemplates that increment accrues from the day following which it is earned. This increment is not a matter of course but is dependent upon good conduct of the central government servant. It is, therefore, apparent that central government employee earns increment on the basis of his good





conduct for specified period i.e. a year in case of annual increment. Increment in pay is thus an integral part of progressive appointment and accrues from the day following which it is earned."

(para 23)

"Annual increment though is attached to the post & becomes payable on a day following which it is earned but the day on which increment accrues or becomes payable is not conclusive or determinative. In the statutory scheme governing progressive appointment increment becomes due for the services rendered over a year by the government servant subject to his good behaviour. The pay of a central government servant rises, by periodical increments, from a minimum to the maximum in the prescribed scale. The entitlement to receive increment therefore crystallises when the government servant completes requisite length of service with good conduct and becomes payable on the succeeding day."

(para 24)

"In isolation of the purpose it serves the fixation of day succeeding the date of entitlement has no intelligible differentia nor any object is to be achieved by it. The central government servant retiring on 30th June has already completed a year of service and the increment has been earned provided his conduct was good. It would thus be wholly arbitrary if the increment earned by the central government employee on the basis of his good conduct for a year is denied only on the ground that he was not in employment on the succeeding day when increment became payable."

"In the case of a government servant retiring on 30th of June the next day on which increment falls due/becomes payable loses significance and must give way to the right of the government





servant to receive increment due to satisfactory services of a year so that the scheme is not construed in a manner that it offends the spirit of reasonableness enshrined in [Article 14](#) of the Constitution of India. The scheme for payment of increment would have to be read as whole and one part of [Article 151](#) of CSR cannot be read in isolation so as to frustrate the other part particularly when the other part creates right in the central government servant to receive increment. This would ensure that scheme of progressive appointment remains intact and the rights earned by a government servant remains protected and are not denied due to a fortuitous circumstance."

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

"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. The concept of day following which the increment is earned has otherwise no purpose to achieve. In isolation of the purpose it serves the fixation of day succeeding the date of entitlement has no intelligible differentia nor any object is to be achieved by it. The central government servant retiring on 30th June has already completed a year of service and the increment has been earned provided his conduct was good. It would thus be wholly arbitrary if the increment earned by the central government employee on the basis of his good conduct for a year is denied only on the ground that he was not in employment on the succeeding day when increment became payable. In the case of a government servant retiring



on 30th of June the next day on which increment falls due/becomes payable loses significance and must give way to the right of the government servant to receive increment due to satisfactory services of a year so that the scheme is not construed in a manner that if offends the spirit of reasonableness enshrined in [Article 14](#) of the Constitution of India.”

6.7 Similar view has also been expressed by different High Courts, namely, the Gujarat High Court, the Madhya Pradesh High Court, the Orissa High Court and the Madras High Court. As observed hereinabove, to interpret Regulation 40(1) of the Regulations in the manner in which the appellants have understood and/or interpreted would lead to arbitrariness and denying a government servant the benefit of annual increment which he has already earned while rendering specified period of service with good conduct and efficiently in the last preceding year. It would be punishing a person for no fault of him. As observed hereinabove, the increment can be withheld only by way of punishment or he has not performed the duty efficiently. Any interpretation which would lead to arbitrariness and/or unreasonableness should be avoided. If the interpretation as suggested on behalf of the appellants and the view taken by the Full Bench of the Andhra Pradesh High Court is accepted, in that case it would tantamount to denying a government servant the annual increment which he has earned for the services he has rendered over a year subject to his good behaviour. The entitlement to receive increment therefore crystallises when the government servant completes requisite length of service with good conduct and becomes payable on the succeeding day. In the present case the word “accrue” should be understood liberally and would mean payable on the succeeding day. Any contrary view would lead to arbitrariness and unreasonableness and denying a government servant legitimate one annual increment though he is entitled to for rendering the services over a year with good behaviour and efficiently and therefore, such a narrow interpretation should be avoided. We are in complete agreement with the view taken by the Madras High Court in the case of **P. Ayyamperumal (supra)**; the Delhi High Court in the case of **Gopal Singh (supra)**; the Allahabad High Court in the case of **Nand Vijay Singh (supra)**; the Madhya Pradesh High Court in the case of **Yogendra Singh Bhadauria (supra)**; the Orissa High Court in the



case of **AFR Arun Kumar Biswal (supra)**; and the Gujarat High Court in the case of **Takhatsinh Udesinh Songara (supra)**. We do not approve the contrary view taken by the Full Bench of the Andhra Pradesh High Court in the case of Principal Accountant-General, **Andhra Pradesh (supra)** and the decisions of the Kerala High Court in the case of **Union of India Vs. Pavithran (O.P.(CAT) No. 111/2020 decided on 22.11.2022)** and the Himachal Pradesh High Court in the case of **Hari Prakash Vs. State of Himachal Pradesh & Ors. (CWP No. 2503/2016 decided on 06.11.2020)**.



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."

25. It is worthy to note here that several judgments of various High Courts were taken into consideration and finally it was concluded that the view taken by the Madras High Court in the case of **P. Ayyamperumal (supra)**, Delhi High Court in the case **Gopal Singh Vs. Union of India:** Writ Petition (C) No.10509/2019 decided on 23.01.2020, the Allahabad High Court in the case of **Nand Vijay Singh & Ors. Vs. UOI:** Writ No.13299/2020 decided on 29.06.2021, the Madhya Pradesh High Court in the case of **Yogendra Singh Bhadauria and Ors. Vs. State of Madhya Pradesh 2020 SCCOnline MP 4654**; the Orissa High Court in the case of **AFR Arun Kumar Biswal Vs. State of Odisha and Anr.** (Writ Petition No. 17715/2020 decided



on 30.07.2021); and the Gujarat High Court in the case of State of **Gujarat Vs. Takhatsinh Udesinh Songara** (Letters Patent Appeal No. 868/2021) was correct.

26. Taking into account the divergent views and the view taken by the Full Bench of Andhra Pradesh High Court, it was held by the Hon'ble Supreme Court that once an employee has earned the increment on completing one year service, he cannot be denied the benefit of such annual increment on his attaining the age of superannuation and/or the day of retirement on the very next day.

27. Again the same controversy was examined recently by the Larger bench of the Hon'ble Apex Court in the case of **All India Judges Association (supra)** on 19.05.2023 and it was observed and held in para 51 to 55 as under:

"51. The SNJPC did not recommend any change in the existing system of accrual of increment once a year as per the date of appointment or promotion or the date of financial upgradation. The sole change it suggested was that judicial officers should have the benefit of increment falling due the next day following their retirement. The Commission suggested that this benefit of an additional increment shall be for the purposes of pension only and shall be subject to a vertical ceiling of Rs. 2,24,100/-.

52. An additional increment can be given to a retiring officer when he is not in service on the date of accrual. This is because the increment is a benefit for the year of service already rendered. Therefore, the last pay, for the purposes of calculation of pension should include the increment payable to the judicial officer.

53. Three sets of decisions had been rendered by different High Courts regarding this. The first view, which was taken by the High Courts of Madhya Pradesh, Gujarat and Allahabad, is that when the increment becomes due the next day after



retirement, the employee ought not to be denied the benefit of the increment for the purposes of pay. The second view, which was taken by the High Courts of Madras, Orissa and Delhi is that the increment would accrue to officers only for the purpose of pension alone. The third view, taken by the Andhra Pradesh, Himachal Pradesh and Rajasthan High Courts is that the increment cannot be granted to the officers.

54. The law has now been settled by this Court in a recent judgment [Director, KPTCL v. CP Mundinamani](#). This Court approved the judgment of the High Court of Allahabad's view in [Nand Vijay Singh v. Union of India](#) it was held:

"24. ... In the case of a government servant retiring on 30th of June the next day on which increment falls due/becomes payable loses significance and must give way to the right of the government servant to receive increment due to satisfactory services of a year so that the scheme is not construed in a manner that if offends the spirit of reasonableness enshrined in [Article 14](#) of the Constitution of India."

55. In such circumstances, the recommendations of the Commission in so far as it notionally grants the increment for the purposes of pension is completely justified. As a consequence of the acceptance of the recommendation, the calculation of pension must notionally include the increment for the purposes of calculation of pension. This will also obviate any confusion. It is therefore directed that the High Courts amend the applicable rule to state that the increment which becomes due to the judicial officer on the day after his retirement may be notionally included in the calculation of his pension as his last pay, subject to the vertical ceiling of Rs. 2,24,100/-."

28. It is worthy to note here that all divergent views and all sets of different decisions of all the High Courts including Madhya Pradesh, Gujarat, Madras, Orissa, Delhi, Andhra Pradesh, Himachal Pradesh and Rajasthan were taken into consideration in the above case. Except the High Court of Andhra Pradesh, Himachal Pradesh and Rajasthan, rest of above High Court were



of the view that such employees are entitled to get the increment which became due on the next day after their retirement.

29. Finally after considering the judgment of Apex Court in the case of **C.P. Mundinamani (supra)**, recently the Allahabad High Court in the case of **Nand Vijay Singh and Ors. Vs. Union of India and Ors. (Writ A. No. 13299/2020)**, has held that officers would be entitled for notional grant of increment for the purpose of pension on 30th June i.e. on the day of their retirement.

30. Payment of salary and increment to an employee is regulated by the service rules governing his/her services. Annual increment are given to such persons to enable them to discharge the duties to the post and that pay and allowances are also attached to the post. Increment in pay is thus an integral part of progressive appointment and accrues from the day following on which it is earned.

31. There is a purpose for providing that increment earned accrues from the day following which it is earned. The grant of increment is not a matter of course and is dependent upon good conduct of the government servant for the entire year. It is, therefore natural that good conduct must be observed for the entire year before the increment accrues.

32. Annual increment though is attached to the post and becomes payable on a day following which it is earned but the day on which increment accrues or becomes payable is not conclusive or determinative. In the statutory scheme governing progressive



appointment increment becomes due for the services rendered over a year by the government servant subject to his good behaviour. The pay of a government servant rises, by periodical increments, from a minimum to the maximum in the prescribed scale. The entitlement to receive increment therefore crystallises when the government servant completes requisite length of service with good conduct and becomes payable on the succeeding day.

33. Law is settled that where entitlement to receive a benefit crystallizes 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 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. The concept of day following which the increment is earned has otherwise no purpose to achieve. In isolation of the purpose it serves, the fixation of day succeeding the date of entitlement has no intelligible differentia nor any object is to be achieved by it. The government servant retiring on 30th June has already completed a year of service and the increment has been earned provided his conduct was good. It would thus be wholly arbitrary, if the increment earned by the government employee on the basis of his good conduct for a year is denied only because the reason stated hereinabove. In the present case the scheme for payment of



increment would have to be read as whole and one part of Rule 14 and 13 of the Rules of 2008 and Rules of 2017 respectively cannot be read in isolation so as to frustrate the other part, particularly when the other part creates right in the government servant to receive increment. This would ensure that scheme of progressive appointment remains intact and the rights earned by a government servant remains protected and are not denied due to a fortuitous circumstance.

34. In **P. Ayyamperumal (supra)** the Madras High Court held that once the employees had completed one full year of service as on 30th June, the benefit of increment earned on the basis of completed service of one year cannot be denied because such increment fell due on 1st July and by that time the employee had retired. The judgment of **P. Ayyamperumal (supra)** has attained finality till Apex Court. Subsequently, this judgment was followed by the Delhi High Court in the case of **Gopal Singh (supra)**, by the Allahabad High Court in the case of **P.P. Pandey Vs. State of U.P.** reported in **(2021) ILR 1 All. 882** and in the case of **Nand Vijay Singh (supra)** and the Hon'ble Apex Court has considered almost each and every judgments of all High Courts in the case of **All India Judges Association (supra)** and in the case of **C.P. Mundinamani (supra)**.

35. Controversy involved in these petitions has been put at rest by the Hon'ble Supreme Court by putting seal in the above two cases. Thus, the doctrine of finality has to be applied in a strict



legal sense. Judicial propriety and decorum demands that the law laid down by the highest Court of the land must be given effect to.

36. In the country governed by the Rule of Law, the finality of a judgment is absolutely imperative and it is not permissible for the parties to re open the concluded judgments of the Court. It would also nullify the doctrine of '*stare decisis*' a well settled valuable principle of precedent which cannot be departed from unless there are compelling reasons to do so. The judgments of the Court and particularly Apex Court of a country cannot and should not be unsettled lightly.

37. The hallmark of a judicial pronouncement is its stability and finality. Judicial verdicts are not like sand dunes which are subject to the vagaries of wind and weather.

38. Thus, it is not permissible for the parties to re open the concluded judgments as the same may not only tantamount to an abuse of the process of law and Court but would have far reaching adverse effect on the administration of justice.

39. When the position of law is almost identical everywhere in the other States and when the benefit of Annual Increment is given to such employees like the petitioners, then denial of such benefits to the petitioners would amount to violation of their right of equality enshrined under Article 14 of the Constitution of India.

40. Since all the judgments of various High Courts and Hon'ble Apex Court were not brought into the notice of Division Bench of this Court at the time of decision of **Safi Mohd.(supra)** and after the decision of the case of **Safi Mohd.(supra)**, two judgments



have been delivered by the Hon'ble Apex Court in the case of **C.P. Mundinamani(supra)** and **All India Judges Association (supra)** in favour of the employees like the petitioners by holding that the persons would be entitled to get benefits of annual increments even on the day of their retirement i.e. on 30th June. Hence, under the change circumstances the petitioners are also entitled for the same benefits.

41. Hence, looking to the binding effect of above judgment of Hon'ble Apex Court in the case of **C.P. Mundinamani(supra)** and **All India Judges Association (supra)**, it is held that the petitioners would be entitled to get the benefits of increment falling due on 1st July on account of their conduct for the requisite length of time i.e. one year. The petitioners would be entitled to get notional payment on 1st July, notwithstanding their superannuation on 30th June.

42. The respondents are directed to consider the case of the petitioners afresh in the light of the observations made hereinabove and thereafter grant notional increment to the petitioners. The petitioners' pension would consequently be refixed. The appropriate orders be issued and the arrears of pension be paid to the petitioners within a period of three months from the date of receipt of certified copy of this order.

43. With the aforesaid directions, all these petitions stand dispose of.

44. Stay applications and all applications (pending, if any) also stand disposed of.



45. The parties are left free to bear their own costs.

(ANOOP KUMAR DHAND),J

Pcg/96 AND 98 TO 253 and 95

