

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 7075 of 2025****With****R/SPECIAL CIVIL APPLICATION NO. 7346 of 2025****With****R/SPECIAL CIVIL APPLICATION NO. 7489 of 2025****With****R/SPECIAL CIVIL APPLICATION NO. 11090 of 2025****With****R/SPECIAL CIVIL APPLICATION NO. 11163 of 2025****With****R/SPECIAL CIVIL APPLICATION NO. 11164 of 2025****With****R/SPECIAL CIVIL APPLICATION NO. 11183 of 2025****With****R/SPECIAL CIVIL APPLICATION NO. 11192 of 2025****With****R/SPECIAL CIVIL APPLICATION NO. 11218 of 2025****With****R/SPECIAL CIVIL APPLICATION NO. 11219 of 2025****With****R/SPECIAL CIVIL APPLICATION NO. 11146 of 2025****With****R/SPECIAL CIVIL APPLICATION NO. 10853 of 2025****With****R/SPECIAL CIVIL APPLICATION NO. 10858 of 2025****With****R/SPECIAL CIVIL APPLICATION NO. 10879 of 2025****With****R/SPECIAL CIVIL APPLICATION NO. 10917 of 2025****With****R/SPECIAL CIVIL APPLICATION NO. 10974 of 2025****With****R/SPECIAL CIVIL APPLICATION NO. 10977 of 2025****With****R/SPECIAL CIVIL APPLICATION NO. 11020 of 2025****=====**
UNION OF INDIA & ORS.**Versus****JAYSUKHLAL JOSHI S/O DURLABHJI JOSHI**
=====**Appearance:****MR HARSHEEL D SHUKLA(6158) for the Petitioner(s) No. 1,2,3****MS VILAS PURANI, ADVOCATE for the Respondent(s)**
=====

CORAM: HONOURABLE MR. JUSTICE A.S. SUPEHIA
and
HONOURABLE MR. JUSTICE R. T. VACHHANI
Date : 14/08/2025
COMMON ORAL ORDER
(PER : HONOURABLE MR. JUSTICE A.S. SUPEHIA)

1. Learned advocate Mr. Harsheel D. Shukla, appearing for the petitioners, has submitted that in a similar group of matters, this Court has already passed number of orders and in light of those similar orders passed in numerous cases, wherein learned advocate Ms. Vilas Purani had appeared, the present petitions are also covered.
2. In the captioned writ petitions, in some matters, this Court had directed Ms. Purani to obtain instructions from the respondents, as she had appeared before the Central Administrative Tribunal (for short, "the Tribunal"). She has submitted that she had contacted some of the respondents, however no instructions have been received by her as on today.
3. One of such orders dated 12.06.2025 was passed in a group of petitions being Special Civil Application No. 7529 of 2025 and allied matters, in which learned advocate Ms. Vilas Purani had appeared. It was not disputed therein that the issue was squarely covered by the judgment and order of the Supreme Court passed in Civil Appeal No. 2471 of 2023 (SLP (c) No. 9185 of 2020) in the case of The Director (Admin & HR) KPTCL and others Vs C.P. Mundinamani and Ors., dated 11.04.2023.

4. The very same impugned order of the Tribunal dated 12.08.2024, passed in numerous original applications concerning the same issue of grant of one increment, had led this Court to dispose of those matters. It is apposite to refer to the order passed by this Court dated 26.03.2025 in Civil Application No.6132 of 2024 and allied matters, wherein this Court has observed thus : -

“With the consent of the learned advocates for the respective parties, delay, if any, is condoned and leave to appeal, if any, is granted in the matters. Upon directions of this Court, registry has circulated the Letters Patent Appeals on today’s board itself.

1. *The issue pertains to the grant of one increment to the employees of the entire State, who have retired from services and are getting pension.*

2. *The genesis of the entire litigation, as mentioned in numerous orders passed by this Court in various proceedings, lies in the judgment and order of the Supreme Court in Civil Appeal No.2471 of 2023 (SLP (c) No.9185 of 2020) in the case of The Director (Admin & HR) KPTCL and others Vs C.P. Mundinamani and Ors., dated 11th April, 2023. Large number of employees are extended the benefit of one increment as per the directions issued by the learned Single Judges and on disposals of the Letters Patent Appeals in light of the judgment of the Supreme Court in the case of **C.P. Mundinamani and Ors. (supra)**.*

3. *Thereafter, it appears that an application being Miscellaneous Application Diary No.2400 of 2024 was filed before the Apex Court seeking clarification of the said judgment, and accordingly, the Supreme Court passed an order dated 6th September, 2024 clarifying the manner in which the benefit of one increment has to be extended.*

4. *After the disposal of the matters, the Supreme Court finally, in the order dated 20th February, 2025 passed in Miscellaneous Application Diary No.2400 of 2024, has laid quietus to the entire issue of granting the benefit of one increment to the employees by further clarifying the order dated 6th September, 2024. The entire order is incorporated as under :*

"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 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. "

5. *Mr. Virk, learned Government Pleader for the respondent-State has submitted that thereafter the Secretaries of various Departments of the State Government had undertaken exercise in order to implement the aforesaid order. It is submitted that as per his understanding, the pending or disposed cases can be categorized in three categories as observed by the Supreme Court in the order dated 20th February, 2025. It is also submitted by him that the Supreme Court has also clarified that in case any excess payment has already been paid to the employees including arrears, such amount paid, will not be recovered. Mr. Virk, learned Government*

Pleader for the respondent - State has tendered the explanatory note as under :

"1. All issues pertaining to one increment have been decided in rem by the Hon'ble Supreme Court of India in Union of India & Anr. Versus M. Siddaraj (Misc. Application Diary No.2400 of 2024 in Civil Appeal No.3933 of 2023).

2. It is respectfully suggested that cases related to 'One Increment' may be categorised in the following three categories:

A. The judgment of the Hon'ble Supreme Court in KPTCL (Civil Appeal No.2471 of 2023) will be given effect to in case of third parties from 11.04.2023; and pension by taking into account one increment will be payable on or after 01.05.2023, with it being clarified that enhanced pension will not be paid for the period prior to 31.04.2023.

B. For cases where:-

- I. The judgment has not attained finality,*
- II. Cases where appeal has been preferred,*
- III. Cases where appeal - if filed - is entertained by the appellate Court, the directions in 'b' will not apply.*

C. In cases where retired employees have filed writ petitions before this Hon'ble Court and the said writ petitions are pending as on 20.02.2025 (date of SC order) one increment will be payable for a period of 3 years prior to the month in which the writ petition was filed, in terms of newly introduced direction "d" of the SC Order.

The treatment to be given in terms clause "d" will not apply to retired government employees who have filed writ petitions before this Hon'ble Court after the judgment dated 19.05.2023 in M. Siddaraj (Civil Appeal No.3933 of 2023) and for such litigants who have filed writ petition before this Hon'ble Court on and after 19.05.2023 the treatment as envisaged in clause "a" of the SC order would be given."

6. In response to the aforesaid submission, learned advocates appearing for the respective employees have submitted that they have apprehension that the State Government will not extend the

benefits as directed by the Supreme Court, hence liberty may be reserved in favour of the employees to file appropriate proceedings in case the respondent - State authorities falters in implementing the directions of this Court and also in any cases consequential recovery is made from such employees in whose favour the judgments of this Court are already implemented and they are already extended the benefit of one increment.

6.1 *Learned advocates appearing for the employees have further urged that the direction issued by the Supreme Court may be further clarified so that the same may not lead to an anomalous situation leading to further litigation.*

7. *The issue of one increment, which emanated from the judgment of the Supreme Court in case of **C.P. Mundinamani and Ors. (supra)** has been followed by this Court in various judgments and orders either passed by the learned Single Judges or by the Division Benches. It appears that thereafter Misc. Civil Application for review or clarification was filed before the Supreme Court and initially the Supreme Court, in the order dated 6th September, 2024, clarified the directions issued in the said judgment of **C.P. Mundinamani and Ors. (supra)** and four directions were incorporated by the Supreme Court for extending the benefit of one increment.*

8. *Accordingly, numerous petitions, contempt applications and Letters Patent Appeals were disposed of in line of the order dated 6th September, 2024. However, the Supreme Court finally, in the order dated 20th February, 2025, has further clarified the order dated 6th September, 2024. An attempt is made by the learned Government Pleader and the learned advocates appearing for the employees to further clarify the directions issued by the Supreme Court in the aforementioned orders. The learned advocates appearing for the employees have raised an apprehension that the State will not pay the benefit of one increment as per the orders passed by the Apex Court.*

9. *We cannot either substitute or further issue any clarificatory directions to the order dated 20th February, 2025 issued by the Supreme Court. We can also neither supplement nor supplant. The State Government cannot implement the directions of the Supreme Court by its own understanding either putting a new clause or fresh explanation to the order dated 20th February, 2025. The order passed by the Supreme Court dated 20th February, 2025 is self-explanatory, and we do not find that any further directions are required to be issued, except that the State Government shall follow the directions issued by the Supreme Court in letter and spirit. The*

Supreme Court has already clarified that in case any excess payment has already been made to the employees, such amount paid, will not be recovered. Thus, it is not open for the State Government or the Statutory Bodies to affect any recovery from the employees who have been extended the benefit of one increment as directed by this Court in various judgments in case of each of the employees except in those cases where the employees are not entitled as per law.

10. We can only further clarify that in case the respondent State authorities falter in implementing the directions issued by the Supreme Court and in case the benefit of one increment, which is yet to be paid to the number of employees of the State of Gujarat, is not paid as directed by the Apex Court, and they are aggrieved by such action, either of recovery or fixation of increment, it will be open for them to file appropriate proceedings before appropriate forum.

11. We further direct that in case the benefit of one increment or arrears remains unpaid to the employees, the State Government shall extend such benefits to them within a period of four months.

12. It is also noticed by us that various matters are filed by the employees through their respective Union/ Associations/ Mandals. In such matters, such Unions/Associations/Mandals shall instruct all its individual members to file a representation before their parent departments giving all their service details. After such details are received, the State Government /Department shall extend the benefit of one increment, as directed by the Supreme Court in the order dated 20th February, 2025.

13. At this stage, Mr. Virk, learned Government Pleader has submitted that there are more than 32,000 applications, which are required to be scrutinized, hence it is urged by him that the limitation of four months, as fixed by this Court, may further be extended to six months. The request is acceded to. We direct all the departments of the State Government to verify the cases of each of the individuals and upon such verification, the benefit/arrears of increment shall be extended within a **period of six months**.

14. It is further clarified that the retired employees, who were serving and have retired from the Statutory bodies having the pension scheme, shall only be entitled to the benefit of one increment.

15. Thus, all the proceedings are **disposed** of in terms of the order dated 20th February, 2025 passed by the Supreme Court."

5. Accordingly, in order to maintain uniformity, the present matters are also disposed of in light of the order passed by this Court, as quoted hereinabove and in line with the order dated 12.06.2025 passed in Special Civil Application No.7529 of 2025 and allied matters. Thus, the order passed by the CAT are modified to the extent of the orders passed by the Supreme Court dated 06.09.2024 and 20.02.2025 in Misc. Application Diary No.2400 of 2024.

6. The Registry shall accept the Vakalatnama of learned advocate Ms.Vilas Purani on behalf of the respondents, as and when it is filed.

Sd/-
(A. S. SUPEHIA, J)

Sd/-
(R. T. VACHHANI, J)

MAHESH/36 to 38, 41 to 47 & 49, 109 to 115

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: MAHESH OMPRAKASH BHATI(HC01086), PRIVATE SECRETARY, at High Court of Gujarat on 18/08/2025 17:14:29