

Court No. - 36

Case :- WRIT - A No. - 9646 of 2022

Petitioner :- Arvind Pal Singh

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Virendra Singh

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Shyam Shamshery,J.

Learned counsel for the petitioner submits that petitioner's case is squarely covered by the judgment of a co-ordinate bench of this Court in Writ-A No.13299 of 2020, Nand Vijay Singh & Ors. Vs. Union of India & Ors, decided on 29.6.2021 and he has relied upon paragraph 25 of the said judgment which is mentioned hereinafter:

"25. In view of the above deliberations and discussions, I find myself in absolute agreement with the view expressed on the issue by Madras High Court in P. Ayyamperumal (supra) as also the Delhi High Court in the case of Gopal Singh (supra) and this Court in the case of P.P. Pandey (supra). The statutory rules cannot be read in a manner such that substantive rights earned by a central government employee under the Rules is denied to him. I, therefore, hold that a government servant retiring on 30th June would be entitled to benefit of increment falling due on 1st July on account of his good conduct for the requisite length of time i.e. one year, in a regime of progressive appointment. The petitioners', therefore, would be entitled to the grant of increment payable on 1st July 2019, notwithstanding their superannuation on 30th June, 2019. Orders impugned in this petition are consequently quashed. The respondents are directed to consider petitioners' case afresh in light of the above observations and directions within a period of two months from the date of services of the order. Writ petition, consequently succeeds and is allowed. Costs, however, are made easy. "

Learned Standing Counsel is directed to take instructions that if the aforesaid judgment still hold good, petitioner's case could be considered in light of the said judgment.

Put up as fresh after four weeks.

Order Date :- 7.7.2022

SB