

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4349 OF 2023
(Arising out of SLP(C) No.2646/2020)

DHARAM PAL SINGH

Appellant(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

ORDER

Leave granted.

The appellant's plea in this appeal is for pension factoring within the same the annual increment he would have been entitled to. This plea has been rejected on the ground of delay. The appellant had superannuated from the post of Finance and Account Officer attached to the Office of the District Inspector of Schools on 30th June, 2004.

The writ petition in this regard was filed by him on 20th September, 2019. Learned counsel for the appellant has relied on the decision of *Union of India & Ors. Vs. Tarsem Singh [(2008) 8 SCC 648]* to contend that the cause of action for claiming pension is recurrent in nature and he ought not to have been non-suited on the ground of delay alone.

In such circumstances, we set aside the impugned order and direct that the appellant may be

given enhanced pension, if he is so entitled to, by giving him the benefit of his last increment before his superannuation but the enhanced amount shall be disbursed to him from the year 1st July, 2016.

The present appeal stands disposed of in the above terms.

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

.....J.
[ANIRUDDHA BOSE]

.....J.
[SANJAY KUMAR]

NEW DELHI;
JULY 11, 2023.

ITEM NO.30

COURT NO.6

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No. 2646/2020

(Arising out of impugned final judgment and order dated 26-11-2019 in SAD No. 1021/2019 passed by the High Court Of Judicature At Allahabad)

DHARAM PAL SINGH

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(FOR ADMISSION)

WITH

SLP(C) No. 10107/2020 (XIV)

(FOR ADMISSION and I.R. and IA No.82620/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 82620/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 12811/2022 (XII)

(IA No. 100803/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 19033/2021 (IV-C)

(FOR ADMISSION and I.R. and IA No.148880/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 12868/2021 (III)

(FOR ADMISSION and I.R.)

SLP(C) No. 2782/2021 (IV-C)

(IA No. 99558/2021 - APPLICATION FOR TAKING ON RECORD
IA No. 88788/2021 - EXEMPTION FROM FILING AFFIDAVIT)

SLP(C) No. 6593/2021 (XI-A)

(IA No. 58378/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 3813/2021 (XII)

(IA No. 87604/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 1073/2021 (IV-C)SLP(C) No. 11791/2020 (XIV)

(IA No. 99994/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 8219/2020 (IV-C)

(IA No. 60966/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 60961/2020 - EXEMPTION FROM FILING O.T.)

Date : 11-07-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE

HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s) Mr. Vikramjit Banerjee, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Mr. Piyush Beriwal, Adv.
Mr. Sughosh Subramanyam, Adv.
Mr. Veer Vikrant Singh, Adv.

Mr. K.M.Nataraj, Sr. Adv.
Mr. Amalpushp Shroti, AOR

Mr. K.M Nataraj, A.S.G.
Mr. Amrish Kumar, AOR
Mrs. Nidhi Khanna, Adv.
Mrs. Vimla Sinha, Adv.
Mr. Amit Sharma B, Adv.
Mr. Ayush Puri, Adv.

Mr. J.M. Sharma, Sr. Adv.
Mr. Ajit Sharma, AOR
Mr. Akshat Sharma, Adv.
Mr. Amrit Pradhan, Adv.
Mr. A. Renganath, Adv.
Ms. Shweta Jain, Adv.
Mr. Sanjay Baranwal, Adv.

Mr. K M Nataraj, A.S.G.
Mr. S A Haseeb, Adv.
Ms. Anamika Agarwal, Adv.
Mr. B K Satija, Adv.
Mr. Nachiketa Joshi, Adv.
Ms. Seema Bengani, Adv.
Mr. Nidhi Khanna, Adv.
Mr. Ayush Puri, Adv.
Ms. Meera Patel, Adv.
Mr. Tejas Patel, Adv.
Mr. Arvind Kumar Sharma, AOR

For Respondent(s) Mr. S.B. Upadhyay, Sr. Adv.
Mr. Vaibhav Kalra, Adv.
Ms. Anisha Upadhyay, Adv.
Mr. Vaibhav Joshi, AOR

Sriram P., AOR
Mr. B Ragunath, Adv.
Mrs. Nc Kavitha, Adv.

Mr. Ankur Chhibu, Adv.
Mr. Nikunj Arora, Adv.
Mr. Himanshu Arora, Adv.
Mr. Santosh Kumar Vishwakarma, Adv.
Mr. Santosh Kumar Pandey, AOR

Mr. Sanjay K. Agrawal, AOR
Mr. Anshul Tiwari, Adv.
Mr. Sarthak Nema, Adv.
Ms. Ankita Khare, Adv.
Mr. Ramsakha Kushwaha, Adv.
Mr. Yashovardhan Jain, Adv.

Mr. F. I. Choudhury, AOR
Ms. Santosh, Adv.

Mr. Prashant Shukla, Adv.
Mrs. Anushree Shukla, Adv.
Mr. Vibhor Garg, Adv.
Mr. Rohan Mandal, Adv.
Mr. Divyesh Pratap Singh, AOR

Mr. R K Raizada, A.A.G.
Mr. Harish Pandey, AOR
Mr. Ghanshyam Singh, Adv.

Mrinal Gopal Elker, AOR
Mr. Abhimanyu Singh-G.A., Adv.
Mr. Ramesh Thakur, Adv.

Mr. Prakash Ranjan Nayak, AOR
Mr. Arun Pandey, Adv.

UPON hearing the counsel the Court made the following
O R D E R

SLP(C) No. 10107/2020; SLP(C) No. 12811/2022;
SLP(C) No. 19033/2021; SLP(C) No. 12868/2021; SLP(C)
No. 2782/2021; SLP(C) No. 6593/2021; SLP(C) No.
3813/2021; SLP(C) No. 1073/2021; SLP(C) No.
11791/2020 and SLP(C) No. 8219/2020

The Union of India, Madhya Pradesh Power
Transmission Company Limited (in SLP(C) No.
8219/2020) and General Manager, West Central Railway

(in SLP(C) No. 2782/2021) seek to assail different decisions primarily concerning the entitlement of Government or Public Sector Undertaking (PSU) employees to annual increment on the eve of retirement. A Co-ordinate Bench of this Court in the case of *The Director (Admn. And HR) KPTCL and Others Vs. C.P. Mundinamani and Others* reported in 2023 SCC Online SC 401 has held as under:

"21. 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."

Mr. Nataraj, learned Additional Solicitor General appearing on behalf of the appellant's seeks to distinguish this authority by pointing out that Regulation 40(1) of the Karnataka Electricity Board Employees Service Regulations, 1997 is different from Rule 10 of CCS (Revised Pay) Rules, 2008 as also Rule 9 of the Madhya Pradesh (Pay Revision) Rules, 2009 and Rule 10 of Railway Services (Revised Pay) Rules,

2008.

We have gone through these rules and in our opinion, though these Rules are differently phrased, they have the same import, on the strength of which the Co-ordinate Bench had dismissed the petition of the employer. In these circumstances, we are not inclined to interfere with the orders assailed in this set of petitions and these petitions shall stand dismissed.

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

Civil Appeal No. 4349 OF 2023 in SLP(C) No.2646/2020

Leave granted.

The appeal stands disposed of in terms of the signed order which is placed on the file.

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

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(VIDYA NEGI)
ASSISTANT REGISTRAR