



From

Additional Chief Secretary to Government Haryana,
Finance Department.

To

1. All the Administrative Secretaries in Haryana State.
2. All the Head of Departments in Haryana State.
3. All the Divisional Commissioners in Haryana State.
4. All the Deputy Commissioners in Haryana State.
5. All the SDOs (Civil) in Haryana State.

Memo No. 6/44/2024-4PR(FD)/24759
Dated **10.10.2024**

Subject:- Course of action regarding filing of Reply/RA/LPA/SLP on the issue of notional increment falling due on 1st July on completion of 6 months and more or 12 months of service, for the purpose of pension etc.

Sir/Madam,

I have been directed to draw your kind attention towards Finance Department's following instructions:-

- I. Memo No. 6/183/2018-4PR dated 04.01.2024.
- II. Memo No. 6/44/2024-4PR dated 23.07.2024
- III. Memo No. 6/44/2024-4PR dated 13.08.2024
- IV. Memo No. 6/44/2024-4PR dated 03.09.2024

2. Further, the State Government has also filed SLPs in the Hon'ble Apex Court and the Hon'ble Court has passed the following orders:-

(i) **Orders dated 02.09.2024 in SLP(C) No. 19158 of 2024—The State of Haryana & Ors. Vs. Sant Lal Aggarwal**

1. Issue notice on the application(s) seeking condonation of delay as well as on the Special Leave Petitions.
2. Dasti, in addition, is permitted.
3. **In the meanwhile, the High Court shall not proceed with the contempt proceedings, if any, filed by the respondent(s) herein.**

(ii) **Orders dated 09.09.2024 in SLP(Civil) Diary No. 37859 of 2024—The State of Haryana & Ors. Vs. Subhash Chander Sharma**

1. Issue notice on the application seeking condonation of delay as well as on the Special Leave Petition.
2. **In the meantime, operation of the impugned order dated 15.04.2024 in CWP No. 28644/2020 passed by the High Court of Punjab & Haryana at Chandigarh shall remain stayed.**

3. Further, in the similar matter, the Union of India has filed Miscellaneous Application vide Diary No. 2400/2024 in SLP (C) No. 4722 of 2021--Union of India and another Vs. M. Siddaraj. The same was listed for hearing on 06.09.2024 and the Hon'ble Apex Court has passed the following orders:-

"It is stated that the Review Petition in Diary No. 36418/2024 filed by the Union of India is pending.

The issue raised in the present applications requires consideration, insofar as the date of applicability of the judgment dated 11.04.2023 in civil Appeal No. 2471/2023, titled "Director



(Admn. and HR) KPTCL and others v. C.P. Mundinamani and others”, to third parties is concerned.

We are informed that a large number of fresh writ petitions have been filed.

To prevent any further litigation and confusion by of an interim order we direct that:-

(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.

This interim order will continue till further orders of this court. However, no person who has already received an enhanced pension including arrears, will be affected by the directions in (a), (c) and (d).

Re-list in the week commencing 04.11.2024.”

4. In view of the facts mentioned above, the Administrative Departments are advised to take action in different circumstances, as under:-

Sr. No.	Event	Action to be taken as per Instructions No. And date
1	Cases disposed of by the Hon'ble Court to decide the Representation /Legal notices etc. served by the retired officers/officials.	Vide Instructions dated 13.08.2024 , it has been advised to examine and decide the legal notices/representations etc. as directed/ordered by the Hon'ble Courts or received from the quarter concerned, after meticulously verifying the facts in consultation with officers of SAS Cadre and Attorney Cadre posted in the department.
2	Orders passed in CWPs to grant the benefit	1. Vide instructions No. 6/183/2018-4PR dated 04.01.2024 , a copy of opinion dated 12.12.2023 of Ld. Advocate General, Haryana was sent with the advice to file LPA(s) in the Hon'ble High Court . 2. Further, Vide memo No. 6/44/2024-4PR dated 23.07.2024 , it was advised to file SLP against the judgment passed by the Hon'ble High Court and all other similar cases in consultation with O/o the Advocate General, Haryana. Therefore, it is advised to take necessary action accordingly.
Note	It may be ensured that the officer concerned alongwith Attorney Cadre (DA/DDA/ADA) posted in the department should be deputed to file LPA/SLP in the Hon'ble Supreme Court and the complete record of the case be supplied to the Advocate on Record (AOR) to avoid any unnecessarily delay.	
3.	Fresh CWPs	While preparing the reply of newly/fresh CWPs, the opinions of Ld. Advocate General, Haryana circulated vide U.O. No. 6/183/2018-4PR dated 04.01.2024 ,



memo No. 6/44/2024-4PR dated **23.07.2024** and memo No. 6/44/2024-4PR dated **13.08.2024** (facts of Annexure-A) may be kept in view. Thereafter, the reply be got vetted from O/o the Advocate General, Haryana and file the same on behalf of Finance Department also (if FD has been impleaded as party).

However, while preparing/filing the reply, the status of cases mentioned in para 2 & 3 above may also be considered.

These instructions may be brought to the notice of the concerned for strict compliance.

Wardh

Chief Accounts Officer (PR)

for Additional Chief Secretary to Government Haryana
Finance Department

Endst. No. 6/44/2024-4PR(FD)/24759

Dated Chandigarh, the **10.10.2024**

A copy of the above is forwarded to the Ld. Advocate General, Haryana for information and necessary action.

Chief Accounts Officer (PR)

for Additional Chief Secretary to Government Haryana
Finance Department

