

*Before Krishan Murari, CJ & Arun Palli, J.*

**STATE OF HARYANA—Appellant**

versus

**RAM DUTT, DEPUTY SUPERINTENDENT OF POLICE—**

*Respondent*

**LPA No.1353 of 2017**

September 05, 2019

*Letters Patent—Clause X—Policy to grant one advance increment on acquisition of police medal for meritorious service—Petitioner earned the police medal and was granted one year extension in service—Claim to advance annual increment during extended service rejected by the State as the policy stood withdrawn—New policy instead granted incentive of one year extension in service—Learned Single Judge held the petitioner entitled to one advance increment for the medal under 2004 policy, and not to additional increment during extension of service—Held, since the 2004 policy stood reviewed and replaced by 2010 policy where under the only benefit admissible was one year extension of service which was availed of by the petitioner—Benefit of advance increment, mistakenly granted during the extended service, was rightly withdrawn by the State—Learned Single judge failed to take into account that the petitioner having already availed the benefit of extension of service under the new policy would not be entitled to any benefit under the old policy which stood withdrawn/superseded.*

*Held that,* admittedly, when the appellant-petitioner was allowed the benefit of additional increment during the extended period of service, the policy of 2004 had been reviewed and substituted by a new policy of 2010 whereunder the only benefit admissible was extension of one year in service. Accordingly, his service period was extended for a period of one year w.e.f. 01.09.2010 when normally he would have been retired on attaining the age of superannuation on 31.08.2011. The said benefit was availed by the appellant-petitioner which was admissible under the new policy. During the extended period of service he was mistakenly granted the benefit of advance increment though no such benefit was admissible normally during the extended period of service on the ground that he was a winner of police medal. The State subsequently realizing the mistake reviewed the

matter along with many other similarly situated incumbents and withdrew the same.

(Para 11)

*Further held that*, learned Single Judge has though held that during the extended period of service the appellant-petitioner would not be entitled for grant of any advance increment but directed to provide one additional increment on account of having been awarded the police medal under the policy of 2004 which was not at all in existence. Learned Single Judge has also failed to take into account the fact that the appellant-petitioner has already availed the benefit of extension of service period of one year under the new policy and thus he would not be entitled to any benefit under the old policy which stands withdrawn/superseded.

(Para 12)

Kartar Singh Mali-1, Advocate  
for the *appellant* in LPA No. 1830 of 2017;  
for the respondent in LPA No. 1353 of 2017,

Deepak Balyan, A.A.G., Haryana  
for the appellant in LPA No. 1353 of 2017  
for the respondent in LPA No. 1830 of 2017.

### **KRISHNA MURARI, CHIEF JUSTICE**

(1) These intra-court appeals one filed by the State of Haryana (respondent in the writ petition) and the other filed by the appellant-petitioner since are directed against the common judgment of the learned Single Judge, hence have been clubbed together and are being decided by this common judgment.

(2) Learned Single Judge vide order impugned in both the appeals while allowing the claim of the appellant-petitioner for entitlement of one advance increment on account of acquisition of police medal for meritorious service rejected his claim for grant of additional increment during his extension of service period. The part of the order rejecting the said claim has been challenged by the appellant-petitioner while the State of Haryana has come up in appeal against the part of the order holding that the appellant-petitioner would be entitled to grant of benefit of one advance increment for acquisition of police medal for meritorious service.

(3) Facts in brief relevant for the purpose of adjudication of the controversy can be summarized as under:-

Petitioner while he was serving as Sub Inspector earned a police medal of meritorious service on 26.01.2001. Subsequently in 2004, he was promoted on the post of Inspector and thereafter in 2010 as Deputy Superintendent of Police. On attaining the age of superannuation he was granted the extension of service for one year w.e.f. 01.09.2010 to 31.08.2011. After the extension period was over and the appellant-petitioner retired from service on 31.08.2011, he made a representation dated 17.01.2014 claiming the benefit of advance annual increment during the extended period of service w.e.f. 15.02.2010. The claim was rejected by the State vide order dated 10.06.2014 on the ground that on reconsideration by the Government it had been decided to withdraw the decision dated 21.10.2004 providing for grant of advance annual increment on account of award of police medal for meritorious service and instead it has been decided to grant the incentive of extension in service for a maximum period of one year beyond superannuation and accordingly he was granted the benefit of extension of service and was not entitled for any advance annual increment.

(4) Since the appellant-petitioner was granted an increment during the extended period of service wrongly, Additional Director General of Police on a reference received from the office of Director General of Police, Haryana, reconsidered the matter and passed an order dated 11.09.2015 refixing the pay of the appellant-petitioner after withdrawal of the benefit of one increment granted during the extended period of service. Such review was also carried out in respect of other similarly situated police officers and benefit granted to them was also withdrawn. This order was also put to challenge in the writ petition by the appellant-petitioner alleging that it was wrongly withdrawn.

(5) The petition was contested by the State of Haryana by filing a written statement alleging that the appellant-petitioner was not entitled for one advance increment having regard to the fact that he has been granted the benefit of extension of service. However, the learned Single Judge relying upon some policy of 2004 held that the appellant-petitioner was entitled for one advance increment for acquisition of police medal for meritorious service and thus the said benefit was liable to be extended to him. However, the claim of additional increment

during his extension of service period was denied on the ground that there was no statutory provision for the same.

(6) We have heard learned counsel for the appellant-petitioner and learned Additional Advocate General, Haryana and perused the record.

(7) A perusal of the record indicates that the State Government vide memo dated 12.06.2003 had taken a decision to grant one year/two years extension in service beyond the age of superannuation to such non-gazetted police officers/personnel(s) who are recipients of police medals subject to physical fitness to discharge police duties and satisfactory service record and the same reads as under:-

Sr No.	Name of Medal	Financial benefit	Service benefit
1.	President's of police Medal for Gallantry	-	Two years extension in service
2.	Police Medal for Gallantry	-	One year extension in service.
3.	President's Police Medal for Distinguished service	-	Two years extension in service
4.	Police Medal for Meritorious Service	-	One year extension in service

(8) Vide another memo dated 21.10.2004, a further decision was taken to grant following incentive to Deputy Superintendent(s) of Police, who were awardees of Police Medal which reads as under:-

Sr. No.	Name of Medal	Incentive
1.	President's Police Medal distinguished service.	Two advance increment
2.	Police Medal for Meritorious service.	One advance increment.

(9) On reconsideration of the matter, vide order dated 10.06.2014, it was decided to withdraw the decision dated 21.10.2004 for grant of advance increments. A further decision was taken to grant incentive of extension in service for a maximum period of one year beyond the superannuation to such gazette non IPS, DSPs/Additional SPs who were recipients of police medal.

(10) It is an admitted position of fact that the benefit of annual increment was granted to the appellant-petitioner during the extended period of service on the ground that he was granted police medal while he was serving as Sub Inspector in 2001.

(11) Admittedly, when the appellant-petitioner was allowed the benefit of additional increment during the extended period of service, the policy of 2004 had been reviewed and substituted by a new policy of 2010 whereunder the only benefit admissible was extension of one year in service. Accordingly, his service period was extended for a period of one year w.e.f. 01.09.2010 when normally he would have been retired on attaining the age of superannuation on 31.08.2011. The said benefit was availed by the appellant-petitioner which was admissible under the new policy. During the extended period of service he was mistakenly granted the benefit of advance increment though no such benefit was admissible normally during the extended period of service on the ground that he was a winner of police medal. The State subsequently realizing the mistake reviewed the matter alongwith many other similarly situated incumbents and withdrew the same.

(12) Learned Single Judge has though held that during the extended period of service the appellant-petitioner would not be entitled for grant of any advance increment but directed to provide one additional increment on account of having been awarded the police medal under the policy of 2004 which was not at all in existence. Learned Single Judge has also failed to take into account the fact that the appellant-petitioner has already availed the benefit of extension of service period of one year under the new policy and thus he would not be entitled to any benefit under the old policy which stands withdrawn/superseded.

(13) In view of above facts and discussion, there is an error apparent on the face of record in the impugned judgment of the learned Single Judge and thus the same is not liable to be sustained and is hereby set aside partly. The Letters Patent Appeal No. 1830 of 2017 filed by the appellant-petitioner accordingly stands dismissed whereas Letters Patent Appeal No. 1353 of 2017 filed by the State of Haryana stands allowed.