IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19326 of 2025

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1. The Union of India through the General Manager Hajipur, East Central Railway, District- Vaishali (Bihar) Pin-844101
2. The Principal Financial Advisor, E. C. Railway. Hajipur, District - Vaishali (Bihar) - Pin-844101. Bihar
3. The Financial Advisor and Chief Accounts Officer, (Construction) Mahendrughat, Patna (Bihar) Under East Central Railway, Pin 800004

.. ... Petitioner/s

Versus

Akhilesh Kumar Singh Son of Late Lalloo Prasasd Singh Ex Accounts Assistant Under Financial Advisor and Chief Accounts Officer (Construction), Mahendru Ghat, Patna (Bihar), Pin 800004 and Resident Of Flat No. 403, Ranjit Apartment, Ara Garden Road, Rukanpura, Patna-800014 (Bihar).

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr.Rajen Sahay, Sr. C.G.C.
For the Respondent/s : Mr.Sunil Kumar, Advocate
Mr. Anurag Kumar, Advocate
Mr. Abhay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

Date : 18-08-2026

The present writ petition has been filed against the order dated 21.05.2024 passed by the learned Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the 'Ld. C.A.T.') in O.A. No. 050/00276/2024, whereby and whereunder the original application filed by the

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sole respondent has been disposed of with the following observations:-

> *"15. Considering the aforesaid facts and taking note of judgment passed by Hon'ble Supreme Court in the case of Director (Admn. and HR) KPTCK and Ors. vs. C.P. Mundinamani & Ors. (supra), Respondents are hereby directed to grant benefit of annual increment which was to be added w.e.f. 1st January, 2023. Further, Respondents are directed to recalculate the benefit of retiral benefits and issue fresh pension order (PPO) in favour of the applicant with interest @ 6% per annum within a period of 6 months from the date of receipt of certified copy of order passed today."*

2. We find from the records that the issue involved in the present writ petition is that undisputedly the sole respondent stood superannuated on 30.06.2021 and though one annual increment was due to him on 01.07.2021, however having superannuated one day before the date of grant of annual increment, the benefit of grant of one notional increment was denied to the respondent.

3. At the outset, the learned counsels for the parties have referred to the settled principle of law by relying on a judgment rendered by the Hon'ble Apex Court in the case of ***The Director (Administration and Human Resources) KPTCL and Others vs. C.P. Mundinamani and Others***,

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reported in ***(2023) 14 SCC 411***, wherein it has been held that merely because the government servant retired on the very next day, the same cannot be a ground to deny him benefit of annual increment and in such cases, the government employee is entitled to grant of one annual increment which he had earned on the last day of his service for rendering his services preceding one year from the date of retirement with good behaviour and efficiency.

4. The learned counsel for the petitioners has next referred to an order dated 20.02.2025, passed by the Hon'ble Apex Court in the case of ***Union of India and Another vs. M. Siddaraj, in Miscellaneous Application Diary No. 2400 of 2024 in Civil Appeal No. 3933 of 2023*** and other analogous cases to submit that the aforesaid judgment dated 11.04.2023 had though been modified a bit, nonetheless the sole respondent would be entitled to one increment which shall be payable on and after 01.05.2023. The relevant portion of the said order dated 20.02.2025 reads as under:-

> *"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*

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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*

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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. vs. 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."

5. At this juncture, the Ld. Counsel for the respondents has submitted that the revised pension payment order has already been issued, whereafter the arrears have also stood paid, however the revised amount of gratuity/leave encashment/commutation of pension is required to be paid. The Ld. Counsel for the petitioners submits that the same would be revised and paid in accordance with the aforesaid judgment dated 11.04.2023, passed in the case of **C.P. Mundinamani** *(supra)* read with the order dated 20.02.2025, rendered in the case of **M. Siddaraj** *(supra),* within a period

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of four weeks from today.

6. Accordingly, the present writ petition stands disposed of on the aforesaid terms with the express agreement of the parties.

(Mohit Kumar Shah, J)

(Sourendra Pandey, J)

Gautam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	19.08.2026
Transmission Date	N/A

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