



2026:AHC:178110

AFR

Reserved On:05.08.2026

Delivered On:24.08.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 481 of 2026

Seema Ray and 3 others

.....Petitioner(s)

Versus

State of U.P. and 5 others

.....Respondent(s)

Along with :

1. **Writ - A No. 1154 of 2026:**
Ritesh Srivastava and 65 others
Versus
State of U.P. and 3 others
2. **Writ - A No. 1148 of 2026:**
Bhanu Pratap Gautam and 34 others
Versus
State of U.P. and 3 others
3. **Writ - A No. 2796 of 2026:**
Vaibhav Chauhan and 70 others
Versus
State of U.P. and 5 others
4. **Writ - A No. 2870 of 2026:**
Manoj Kumar Mishra and 19 others
Versus
State of U.P. and 3 others
5. **Writ - A No. 10264 of 2026:**
Amit Kumar Chaubey and 50 others
Versus
State of Uttar Pradesh and 6 others
6. **Writ - A No. 2836 of 2026:**
Arti Soni and 44 others
Versus
State of U.P. and 3 others
7. **Writ - A No. 1404 of 2026:**
Bijendra Kumar and 30 others
Versus
State of U.P. and 3 others
8. **Writ - A No. 2757 of 2026:**
Abhishek Kumar Singh and 157 others
Versus
State of U.P. and 3 others
9. **Writ - A No. 7140 of 2026:**
Amit Kumar Tyagi
Versus

- State of U.P. and 3 others
- 10. Writ - A No. 1414 of 2026:**
Vinod Kumar and 51 others
Versus
State of Uttar Pradesh and 16 others
- 11. Writ - A No. 1167 of 2026:**
Neha Chauhan and 121 others
Versus
State of U.P. and 3 others
- 12. Writ - A No. 3768 of 2026:**
Shesh Narayan Mishra and 51 others
Versus
State of U.P. and 3 others
- 13. Writ - A No. 4133 of 2026:**
Vinay Kumar Upadhyay and 114 others
Versus
State of U.P. and 6 others
- 14. Writ - A No. 4622 of 2026:**
Ankit Kushwaha and 83 others
Versus
State of U.P. and 2 others
- 15. Writ - A No. 1164 of 2026:**
Sumit Kumar and 21 others
Versus
State of U.P. and 3 others
- 16. Writ - A No. 4098 of 2026:**
Jitendra Pal Singh and 129 others
Versus
State of Uttar Pradesh and 6 others

Counsel for Petitioner(s)	: Ashish Pandey, Durga Shanker Mishra, Man Bahadur Singh, Neeraj Shukla, Nirbhay Singh, Rajesh Kumar Verma, Saurabh Kumar, Siddharth Khare, Sr. Advocate, Tanuj Shahi
Counsel for Respondent(s)	: Ashish Kumar (nagvanshi), Ashok Kumar Singh, Ashutosh Kumar Mishra, Bhanu Pratap Singh Kachhawah, Bipin Bihari Pandey, C.S.C., G.A., Girijesh Kumar Tripathi, Hare Ram, Harsh Vardhan Gupta, Jay Prakash Singh, Manvendra Singh, Nagendra Kumar Pandey, Rajesh Khare, Rama Nand Pandey, Ratan Deep Mishra, Rishu Mishra, Sanjay Kumar Singh, Shailendra Singh, Shashi Kant Srivastava, Shashi Prakash Singh, Shivendra Kumar Singh, Shivendra Singh Bhadauria, Sunil Kumar Dubey, Udit Chandra, Yatindra

HON'BLE MRS. MANJU RANI CHAUHAN, J.

1. The Bunch is being decided together as the controversy involved is similar in nature.

2. Heard learned counsel for the petitioners, learned counsel for respondent-BSA as well as learned Standing Counsel for the State.

3. The instant writ petition has been filed with the following prayers:

“(i) a writ, order or direction of a suitable nature commanding the respondent no.5 & 6 to forthwith refix the salary of the petitioners in accordance with the communication of Finance Controller, Board of Basic Education, UP, Prayagraj dated 20.11.2025 (Annexure 14 to the writ petition) within a period to be specified by this Hon'ble court by taking into account the increment of the petitioners as on 01.01.2017 and thereafter to refix the salary accordingly.

(ii) a writ, order or direction of a suitable nature commanding the respondent to disburse to the petitioners their regular monthly salary, regularly, every month in accordance with the salary as refixed under the preceding prayer.

(iii) a writ, order or direction of a suitable nature commanding the respondent to compute the entire arrears of salary arisen in favour of the petitioners on account of such refixation and to disburse the same within a further period as may be specified by this Hon'ble court along with interest at such penal rate as may be specified by this Hon'ble court.”

4. Learned counsel for the petitioners submits that the petitioners were appointed as Assistant Teachers by the concerned Basic Shiksha Adhikari, Pilibhit, on 28.06.2016. It is submitted that 01.07.2016 was a public holiday on account of being the last Friday of Ramzan and, therefore, the petitioners could not join their respective posts on the said date. However, pursuant to the appointment order dated 28.06.2016, the petitioners submitted their joining on 02.07.2016 and accordingly commenced their service pursuant to the said appointment.

5. Learned counsel for the petitioners further submits that, at the time of their appointment, the petitioners were governed by the pay scale recommended by the Sixth Pay Commission, which had been made effective with effect from 01.01.2006. It is submitted that the said pay structure was subsequently affected by the Government Order dated 27.02.2009, pursuant to which the pay admissible to the petitioners was

required to be determined and regulated in accordance with the revised provisions contained therein.

6. Learned counsel for the petitioners further submits that, after the petitioners had joined their respective posts, the State Government issued Government Order dated 22.12.2016, whereby the pay scales were revised with effect from 01.01.2016. Consequently, the initial fixation of the salary of the petitioners, made immediately after their joining in July 2016, was based upon the pay scale applicable under the recommendations of the Sixth Pay Commission.

7. It is submitted that, shortly after the petitioners' appointment and joining, the aforesaid Government Order dated 22.12.2016 came to be issued revising the pay scales with retrospective effect from 01.01.2016, i.e. a date prior to the appointment of the petitioners on 28.06.2016. According to learned counsel, in view of the retrospective operation of the revised pay structure, the petitioners' pay was also liable to be re-fixed in accordance with the revised scale from the date on which they became entitled thereto.

8. In making the aforesaid pay fixation, the first increment in their pay scale has been sanctioned from 1.7.2017. The petitioners were entitled to fixation of first increment on 1.1.2017.

9. Learned counsel for the petitioners further submits that, aggrieved by the aforesaid fixation of pay and grant of the first increment with effect from 01.07.2017, the petitioners submitted a representation before the competent authorities, contending that, having regard to the date of their appointment and the applicable Government Orders, they were entitled to the benefit of the first increment with effect from 01.01.2017. However, no action was taken on the said representation.

10. It is submitted that, thereafter, the Finance and Accounts Officer, Basic Shiksha Pilibhit, by communication dated 22.09.2025, sought guidance from the Finance Controller, Board of Basic Education, Uttar Pradesh, Prayagraj. In response thereto, the Finance Controller, by communication dated 20.11.2025, categorically clarified that persons who are appointed, promoted or granted financial upgradation between 02

January and 01 July of a particular year would be entitled to the benefit of increment on the following 01 January, whereas persons appointed, promoted or granted financial upgradation between 02 July and 01 January of the succeeding year would be entitled to the benefit of increment on the succeeding 01 July.

11. Learned counsel submits that, while issuing the aforesaid clarification, the Finance Controller specifically relied upon paragraph 8(2) of the Government Order dated 22.12.2016. The relevant provision of paragraph 8 is reproduced hereinbelow:

“(1). 01 जुलाई की विद्यमान तिथि के स्थान पर वेतनवृद्धि की दो तिथियाँ होंगी अर्थात प्रत्येक वर्ष की 01 जनवरी और 01 जुलाई। प्रत्येक कार्मिक को नियुक्ति, प्रोन्नति या वित्तीय स्तरोन्नयन प्राप्त होने की तिथि के अनुरूप 01 जनवरी अथवा 01 जुलाई में से केवल एक तिथि को वार्षिक वेतनवृद्धि प्राप्त होगी।

(2). ऐसा कर्मचारी जिसे 02 जनवरी और 01 जुलाई के बीच (दोनों दिवसों सहित) की अवधि में नियुक्ति या प्रोन्नति या सुनिश्चित कैरियर प्रोन्नयन योजना के अन्तर्गत वित्तीय स्तरोन्नयन प्राप्त हुआ है, को वेतनवृद्धि 01 जनवरी को दी जायेगी और ऐसा कर्मचारी जिसे 02 जुलाई और 01 जनवरी के बीच (दोनों दिवसों सहित) की अवधि में नियुक्ति या प्रोन्नति या सुनिश्चित कैरियर प्रोन्नयन योजना के अन्तर्गत वित्तीय स्तरोन्नयन दिया गया है, को वेतनवृद्धि 01 जुलाई को दी जायेगी।

उदाहरण-

1. ऐसे कर्मचारी जिसे दिनांक 02 जुलाई 2016 और 01 जनवरी 2017 के बीच की अवधि में (दोनों दिवसों सहित) नियुक्ति या प्रोन्नति अथवा सुनिश्चित कैरियर प्रोन्नयन योजना के अधीन वित्तीय स्तरोन्नयन के रूप में उच्च वेतन अनुमन्य हुआ है, को अगली वेतनवृद्धि 01 जुलाई 2017 को देय होगी और इसके बाद में अगली वेतनवृद्धि एक वर्ष के बाद वार्षिक आधार पर अर्थात 01 जुलाई 2018 को देय होगी।

....."

12. Learned counsel for the petitioners submits that, despite the aforesaid clarification issued by the Finance Controller, no consequential action has been taken by the respondents. He also sounded that paragraph 8 of the Government Order dated 22.12.2016 does not refer to the date of joining at all, and only refers to the date of appointment. It is submitted that the date of appointment of all the petitioners is 28.06.2016, which admittedly falls within the period from 02.01.2016 to 01.07.2016. Accordingly, in terms of paragraph 8(2) of the Government Order dated 22.12.2016, the petitioners were entitled to the benefit of the first increment with effect

from 01.01.2017. However, despite the aforesaid categorical clarification and the entitlement of the petitioners under the applicable Government Order, their pay has not been re-fixed accordingly and the consequential benefits have not been extended to them till date.

13. Learned counsel for the petitioners further submits that the Government Order dated 27.02.2009 contemplated the date of joining as the relevant date for determining the accrual of the first increment. It is submitted that the aforesaid Government Order was subsequently clarified by the Government Order dated 17.08.2009, which specifically provided that where an employee was prevented from joining on the date of appointment on account of such date being a Sunday or a public holiday and consequently joined on the immediately succeeding working day, such intervening holiday would not operate to the prejudice of the employee and the period for computation of six months for the purpose of grant of the first increment would be reckoned in favour of the employee.

14. Learned counsel submits that, in the present case, the petitioners were appointed on 28.06.2016 and 01.07.2016 was a public holiday, on account of which they could not join on the said date and accordingly submitted their joining on 02.07.2016. Thus, their joining on the next working day, being occasioned solely by the intervening public holiday, could not deprive them of the benefit of the increment otherwise admissible to them under the applicable Government Orders.

15. The relevant portion of the Government Order dated 17 August 2009, operative up till 31.12.2015, reads as follows.

“3-उपर्युक्त के सम्बन्ध में मुझे यह कहने का निर्देश हुआ है कि ऐसे कार्मिक जो नियुक्ति/ पदोन्नति होने पर दिनांक 01 जनवरी को केवल रविवार अथवा राजपत्रित अवकाश पड़ने के कारण कार्यभार ग्रहण नहीं कर सके और उनके द्वारा वर्ष के प्रथम कार्य दिवस को कार्यभार ग्रहण किया गया है उनकी उस वर्ष की आगामी 01 जुलाई को छःमाह की सेवायें वेतनवृद्धि के आगणन हेतु पूर्ण मानी जायेगी तथा उन्हें उस वर्ष की 01 जुलाई को पुनरीक्षित वेतन संरचना में वेतनवृद्धि देय होगी।”

16. The communication letter dated 21.11.2025 issued by the Director of Education (Basic), Uttar Pradesh, was addressed in respect of the Assistant Teachers in the Basic Education Department who had assumed charge on 02.07.2016, in compliance with the order passed in Writ Petition No. 12446 of 2025 (Vinod Kumar And 75 Others vs. State of

U.P. And 3 Others) as decided on 26.08.2025.

17. The communication records that, at the time of their appointment, the provisions relating to the Seventh Pay Commission, which had been made applicable with effect from 01.01.2016, were in force. It further refers to the Government Order dated 22.12.2016, issued under the Seventh Pay Commission and applicable with effect from 01.01.2016. Paragraph 8(2) thereof, which is also applicable to teachers of Government and aided educational institutions, prescribes the date on which the annual increment is to be granted after appointment or promotion.

18. The said provision stipulates that an employee who has received financial upgradation during the period between 02 January and 01 July, both days inclusive, shall be granted the increment on 01 July. Likewise, an employee who has received financial upgradation by way of appointment or promotion, or under the Assured Career Progression Scheme, during the period between 02 July and 01 January, both days inclusive, shall be granted the increment on 01 January. Accordingly, the concerned authorities were directed to ensure compliance with the aforesaid provisions contained in the Government Order dated 22.12.2016 and to take necessary consequential action in accordance therewith.

19. Accordingly, in view of the aforesaid provisions and the Government Order dated 22.12.2026, the petitioners, having assumed charge on 02.07.2016, are entitled to the benefit of their annual increment with effect from 01.01.2017.

20. The learned counsel for the petitioners has placed reliance upon the judgment of the Hon'ble Apex Court in **M/s Grasim Industries Ltd. v. Collector of Customs, Bombay**, decided on 04.04.2002 and reported in **(2002) 4 SCC 297 : AIR 2002 SC 1706**. In the said judgment, the Hon'ble Supreme Court, while considering the principles of statutory interpretation, observed that no word or expression used in a statute can be treated as redundant or superfluous. The Court further held that one should not concentrate excessively upon one word while ignoring the other words; no provision of a statute and no word in any section can be construed in isolation, and every provision and every word has to be considered in the context in which it is used.

21. The Supreme Court further observed that where the language of a provision is clear and unambiguous and the legislative intention is clearly conveyed, there is no scope for the Court to amend, alter, add to, or substitute words in the statutory provision. The intention of the legislature has to be gathered from the language employed, and the construction which requires addition or substitution of words, or results in rejection of words used by the legislature, has to be avoided. Thus, the principle relied upon by the learned counsel is that the relevant provision must be read as a whole and in its proper context, giving effect to every word used therein, rather than assigning an isolated or artificial meaning to any particular expression.

22. The Hon'ble Apex Court in **Padma Sundara Rao (Dead) & Ors. V. State of Tamil Nadu & Ors.**, reported in (2002) 3 SCC 533 : AIR 2002 SC 1334, has held that a Court cannot supply a *casus omissus* and cannot read into a statutory provision something which the legislature has not provided. The statutory provision has to be construed as a whole, with every part thereof being read in its proper context. It has further been held that a judgment cannot be read as a statute and that the observations contained therein have to be understood in the factual and legal setting in which they were made.

23. The learned counsel appearing for the petitioners submits that the selection of the petitioners was made in accordance with the provisions of the Uttar Pradesh Basic Education (Teachers) Service Rules, 1981, as amended from time to time, read with the Uttar Pradesh Basic Education Teachers Posting Rules, 2008. It is submitted that pursuant to their selection, the petitioners were appointed as Assistant Teachers on probation for a period of one year. According to the learned counsel, the appointment becomes effective from the date on which the selected candidate takes charge at the school pursuant to the appointment order, and all consequential service benefits are, therefore, liable to be determined from the said date.

24. It is further submitted that paragraph 8(2) of the Government Order dated 22.12.2016 has to be understood in the aforesaid context. According to the learned counsel, the expression "date of appointment" occurring in the said provision would mean the date on which the appointee actually

assumes charge and commences teaching duties in the school. Since the petitioners admittedly assumed charge on 02.07.2016, their appointment falls within the period commencing from 02 July and ending on 01 January, and consequently, the benefit of the annual increment would become admissible on 01.07.2017.

25. Accordingly, it is submitted that the petitioners are entitled to fixation of their increment with effect from 01.01.2017, and not from 01.07.2017.

26. The learned Standing Counsel submits that the appointment of the petitioners was made on 28.06.2016. Pursuant thereto, the petitioners joined their respective services on 02.07.2016. It is, therefore, submitted that their actual appointment for the purposes of computation of the relevant service benefits would be reckoned from the date on which they joined their respective posts, i.e. 02.07.2016.

27. The learned Standing Counsel further submits that paragraph 8(2) of the Government Order dated 22.12.2016 specifically provides as under:
"ऐसे कर्मचारी जिसे 02 जुलाई और 01 जनवरी के बीच (दोनों दिवस सहित) की अवधि में नियुक्ति या प्रोन्नति या सुनिश्चित कैरियर प्रोन्नयन योजना के अन्तर्गत वित्तीय स्तरोन्नयन प्राप्त हुआ है को वेतनवृद्धि 01 जनवरी को दी जायेगी।"

28. Before considering the submissions, it would be appropriate to notice that the appointment order issued in favour of the petitioners clearly stipulated as follows:

"उत्तर प्रदेश अध्यापक सेवा नियमावली-1981 यथा संशोधित एवं उत्तर प्रदेश बेसिक शिक्षा (अध्यापक) (तैनाती) नियमावली-2008 यथा संशोधित के प्राविधानानुसार गठित चयन समिति द्वारा चयनित किये जाने के उपरान्त विधिवत कार्यभार ग्रहण करने की तिथि से इनके नाम के सम्मुख अंकित परिषदीय प्राथमिक विद्यालय में सहायक अध्यापक के पद पर साधारण वेतनमान ग्रेड-3, वेतन बैंड-2,9300-34800 ग्रेड वेतन-4200 में एक वर्ष की परीक्षा काल पर अस्थायी रूप से नियुक्त किया जाता है।"

29. From the aforesaid stipulation, it is evident that the appointment of the petitioners would become effective only upon their assuming charge at the institution. The language employed in the appointment order, and the stipulations contained therein, are clear and binding upon the petitioners. Having accepted their appointments subject to the aforesaid terms and conditions, the petitioners cannot now seek to contend otherwise or set up a claim contrary to the express terms of their appointment orders. Such a

claim, being inconsistent with the conditions of appointment accepted by the petitioners themselves, is wholly unjustified and cannot be sustained.

30. The learned Standing Counsel submits that, with regard to the grant of increment to teachers who joined their respective institutions on 02.07.2016, the Director of Education (Basic), Uttar Pradesh, Lucknow, by letter dated 13.11.2025, requested the Finance Controller, Basic Education Board, Uttar Pradesh, Prayagraj, to furnish a report in the matter. Pursuant thereto, the requisite information was furnished by the Finance Controller vide letter dated 18.11.2025, which reads as follows:

"सूच्य है कि उपरोक्त याचिका में सभी याचिकाकर्ताओं द्वारा दिनांक-02.07.2016 को सहायक अध्यापक के पद पर बेसिक शिक्षा विभाग में पदभार ग्रहण किया गया है। इस प्रकार इनकी नियुक्ति के समय सातवें वेतनमान की व्यवस्था, जो दिनांक-01.01.2016 से लागू की गई है, प्रभावी थी। शासनादेश संख्या-67/2016 वे.आ.-2-1447/दस-04(एम)/2016 दिनांक-22.12.2016, जो सातवें वेतन आयोग के अन्तर्गत दिनांक -01.01.2016 से लागू है, के प्रस्तर-8(2), जो राजकीय एवं सहायता प्राप्त शिक्षण संस्थाओं के शिक्षकों पर भी लागू है, में नियुक्ति के पश्चात वेतनवृद्धि की तिथि के सम्बन्ध में निम्नवत् स्पष्ट व्यवस्था की गई है-

“(2) ऐसे कर्मचारी जिसे 02 जनवरी और 01 जुलाई के बीच (दोनों दिन सहित) की अवधि में नियुक्ति या प्रोन्नति या सुनिश्चित कैरियर प्रोन्नयन योजना के अन्तर्गत वित्तीय स्तरोन्नयन प्राप्त हुआ है, को वेतनवृद्धि 01 जनवरी को दी जायेगी और ऐसा कर्मचारी जिसे 02 जुलाई और 01 जनवरी के बीच (दोनों दिन सहित) की अवधि में नियुक्ति या प्रोन्नति या सुनिश्चित कैरियर प्रोन्नयन योजना के अन्तर्गत वित्तीय स्तरोन्नयन प्राप्त हुआ है, को वेतनवृद्धि 01 जुलाई को दी जायेगी।”

31. From the aforesaid provision, it is evident that, since the petitioners assumed charge on 02.07.2016, they fall within the category of employees who received appointment during the period between 02 July and 01 January, both days inclusive. Consequently, in terms of paragraph 8(2) of the Government Order dated 22.12.2016, the petitioners are not entitled to the annual increment with effect from 01.01.2017; rather, the increment would become admissible on 01.07.2017.

32. The learned Standing Counsel further submits that, in a few connected writ petitions involving similarly situated Assistant Teachers who had joined their respective institutions on 02.07.2016, orders have already been passed rejecting their representations seeking grant of the annual increment with effect from 01.01.2017. It is, therefore, submitted that the petitioners, being similarly situated, are also not entitled to claim the benefit of annual increment with effect from 01.01.2017.

33. In view of the aforesaid discussion, learned counsel appearing for the respondents submits that the petitioners, having joined their respective institutions in 2016, are not entitled to claim the benefit of annual increment with effect from 01.01.2017.

34. Upon a conjoint consideration of the facts placed on record, the statutory scheme governing the service conditions of the Assistant Teachers, and the Government Orders relied upon by the respective parties, this Court is of the considered view that the controversy cannot be resolved merely by treating the date of actual joining as the sole and inexorable criterion for determining the date from which the benefit of the first increment would accrue. The distinction between the date of appointment and the date of joining, particularly in a situation where the appointee was prevented from joining on the immediately succeeding day on account of a public holiday or an intervening circumstance attributable to the administration, assumes decisive significance.

35. It is an admitted feature of the present case that the Assistant Teachers in question were appointed pursuant to the selection and appointment process and that the relevant appointments were to take effect from the date specified in their respective appointment orders. Their actual joining, however, took place on 2 July 2016, the preceding day, i.e. 1 July 2016, being a public holiday. Thus, the fact that the appointees could physically enter upon their duties only on 2 July 2016 cannot, by itself, be construed as an abandonment or postponement of the rights flowing from their appointment, particularly when the inability to join on the earlier date was occasioned by a circumstance beyond their control.

36. The Government Orders governing the field have necessarily to be read harmoniously and purposively. Where the competent authority has itself contemplated that, in the event of a public holiday intervening between the date on which the appointee is required or entitled to join and the actual date on which the institution becomes available for joining and joins on the next working day, would preserve the continuity of the appointment, the benefit attached to such appointment cannot be denied merely on the ground that the physical act of joining occurred on the succeeding day. Administrative instructions cannot be interpreted so as to visit an appointee with an unintended disadvantage for an event which is

neither attributable to him nor within his control.

37. The question, therefore, is not simply whether the Assistant Teachers actually signed the joining report on 2 July 2016, but whether, in the light of the applicable statutory provisions and Government Orders, such joining on the next working day is to be treated as a break or as a continuation of the appointment already conferred upon them. If the governing provisions recognise such joining as valid and effective from the date on which the appointment became operative, the consequential service benefits must necessarily follow from that position.

38. This distinction becomes particularly material while determining the date of accrual of the first annual increment. An increment is not a bounty bestowed at the discretion of the employer; it is a service benefit regulated by the applicable service rules and the Government Orders issued thereunder. Once the qualifying period prescribed for its accrual is completed, the employee becomes entitled to its benefit in accordance with the governing rules. Consequently, the computation of such qualifying service must commence from the legally recognised date of appointment or commencement of service and cannot be artificially postponed merely because the appointee, for reasons beyond his control, could enter upon actual physical service only on the next working day.

39. In the facts of the present case, therefore, the joining of the Assistant Teachers on 2 July 2016, when 1 July 2016 was a public holiday, cannot legitimately be employed to deprive them of the service benefit which otherwise flows from their appointment. Their joining on the next working day is required to be treated as a valid and consequential joining pursuant to the appointment already made. The mere difference of one day, attributable exclusively to the public holiday, cannot operate to alter the substantive date from which their service benefits are to be reckoned, unless the governing statutory provision expressly mandates such a consequence.

40. The position becomes further clear when the relevant Government Orders are considered in their proper chronological and contextual setting. The earlier Government Orders, together with the subsequent clarification, have to be read as part of one administrative scheme

governing the determination of the date from which the first increment becomes admissible. If the subsequent Government Order was issued precisely to clarify the position in cases where an employee could not join on the date contemplated because of a public holiday or an administrative impediment, such clarification cannot be rendered nugatory by adopting an excessively technical construction of the joining date.

41. Accordingly, in the peculiar facts of the present case, where the Assistant Teachers were appointed with effect from the relevant date, and their actual joining on 2 July 2016 was occasioned only because 1 July 2016 was a public holiday, the respondents were required to examine their claim for the first increment by treating their service as continuous from the legally operative date of appointment. On such reckoning, the consequential benefit, including the benefit becoming due on 1 January 2017, cannot be denied solely on the ground that the joining report bears the date 2 July 2016. At the same time, it is clarified that the entitlement to the benefit must flow from the statutory rules and the Government Orders applicable to the employees concerned and not merely from the nomenclature or wording employed in the appointment or joining orders. Where a statutory provision occupies the field, the executive instructions must necessarily yield to the statute. Conversely, where the statute leaves the matter to be regulated by executive instructions, the Government Orders, if otherwise valid and consistent with the statutory framework, would govern the determination of the employees' entitlement.

42. Thus, the real test is the legally recognised commencement of service for the purpose of the particular benefit, and not the mechanical comparison of the dates appearing on the appointment letter and the joining report. The respondents, while considering the claim of the Assistant Teachers, are therefore required to examine the entire statutory and executive framework governing their appointment, the effect of the public holiday on 1 July 2016, the Government Orders applicable to such cases, and the subsequent clarifications issued by the competent authority. The benefit cannot be withheld by adopting an interpretation which penalises the appointees for a circumstance which was neither occasioned by them nor capable of being avoided by them.

43. For the aforesaid reasons, this Court is of the considered opinion that,

in the facts of the present case, the Assistant Teachers who joined on 2 July 2016, the immediately preceding day being a public holiday, are entitled to have their service benefits considered by treating their joining as consequential to the appointment already made, and their claim for the first increment and the consequential financial benefits, including the benefit falling due on 1 January 2017, is required to be determined accordingly. The respondents shall undertake the exercise in the light of the statutory provisions and the Government Orders referred to above and shall not reject the claim merely on the ground that the actual joining report was submitted on 2 July 2016.

44. The conclusion aforesaid is confined to the factual and legal matrix of the present case. It does not lay down a proposition that the date of appointment would invariably and in every circumstance prevail over the date of joining. The governing statute and the valid rules framed thereunder remain paramount. What is held is that, where the appointment stood validly made, the intervening day was a public holiday, and the appointee joined on the next available working day in accordance with the applicable Government Orders, such intervening holiday cannot, by itself, be permitted to defeat the continuity of service or to postpone the accrual of an otherwise admissible service benefit.

45. Accordingly, the writ petitions are **disposed of** with a direction to the competent authority to consider and decide the individual representations, if any, submitted by the petitioners, specifically indicating their respective dates of appointment, dates of joining, and the circumstances in which they could not join on the first day of the relevant month. Upon receipt of such representations, the competent authority shall examine the claim of each petitioner in the light of the statutory provisions, the applicable Government Orders and the observations made herein above, and shall pass a reasoned and speaking order, dealing with the individual claim of each petitioner, within a period of **six weeks** from the date of receipt of such representation.

(Mrs. Manju Rani Chauhan,J.)

August 24, 2026
K.N.