

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 20780 of 2015
Date of decision: 29.09.2015

SukhdevPetitioner(s)

Versus

State of Punjab and others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. M.K. Dogra, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks a writ in the nature of mandamus directing the respondents to restore special/retrenchment increments to him which were granted prior to 13.03.1996 by the competent authority and to calculate pension and other retiral dues accordingly. Challenge is also being laid to order dated 10.07.2012 (Annexure P-7) vide which, recovery had been effected from the petitioner's gratuity to the tune of ₹75,142/-. The petitioner has placed reliance upon the decision of the CWP No. 5568 of 2008, Charan Dass and others vs. State of Punjab and others decided on 27.05.2008 (Annexure P-8) in which, the Single Bench had held that the pay could be refixed and the recovery was to be refunded which had been deducted.

The matter had been carried in LPA No. 1161 of 2009 to the Division Bench which had further granted the benefit of special increments to the employees vide decision dated 08.09.2010 (Annexure P-9). The litigation eventually came to an end in Civil Appeal No. 6540 of 2014, State of Punjab and others vs. Tarlok Chand and others (Annexure P-10)

whereby, the Apex Court decided the issue regarding the right of annual increments + four special increments on 16.07.2014. Relevant portion reads thus:-

“Be it noted that if someone has got less than four increment he will not claim that he has a right to get four increments. The grant of four special increments applies to those employees who have got more than four increments. At the cost of repetition let it be stated that the respondents shall get their annual increment plus four special increments and the same shall be computed for the purpose of pay fixation and accordingly the increments received during the course of employment regular pay shall be fixed and on that foundation pension shall be re-fixed. Needless to say, there will be no recovery on any score.”

The petitioner, in pursuance of the above decision has admittedly filed a representation dated 24.09.2014 (Annexure P-11) to respondent no. 3. The said representation has not been decided and counsel states that he would be satisfied if the same is decided within a time bound frame.

In view of the above, this Court does not feel necessary to call upon the respondents to file reply.

Accordingly, this writ petition is disposed of with a direction to respondent no. 3 to take into consideration the representation dated 24.09.2014 (Annexure P-11) and decide the same within a period of 3 months from the date of receipt of certified copy of the order keeping in mind the observations of the Apex Court. In case the representation is decided in favour of the petitioners, the payment be made within a period of two months thereafter. Needless to say that in case the relief is to be denied,

the order should contain reasons so that the petitioner can raise a challenge to the same.

29.09.2015
shivani

(G.S. SANDHAWALIA)
JUDGE