

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.10234 of 2017

Date of Decision:-12.05.2017

Vipan Kumar & Ors.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Gurjinder Singh Chahal, Advocate for Petitioners.

JASWANT SINGH, J.(ORAL)

Out of total 07 (Seven) petitioners working on different posts i.e. Sub Divisional Engineer, Junior Engineers, Assistant Engineer or Sub Divisional Officers except petitioner nos.1, 4, 5 & 7 retired as AE from the Department of Irrigation, Punjab are claiming the benefit of incentive increments at 4/9/14 years under the Assured Career Progression Scheme on 03.11.2006, which has been declined by the department vide impugned order dated 29.04.2010 (P-5) by stating that the same is not admissible to Junior Engineers.

It is contended that the impugned order 29.04.2010 (P-5) has been considered by the learned Single Judge of this Court and issue was decided in favour of the employees/retirees. The said judgment dated 20.05.2013 (P-6) is also upheld by the LPA Bench vide decision dated December 19, 2014. The prayer is for grant of benefits in terms of the

declaration vide judgments at Annexure P-6 as upheld vide order dated 19.12.2014. It is averred that the petitioners have also issued a legal notice 09.01.2017 (P-7) and the learned Counsel submits that his clients would be satisfied if the department is directed to decide their claim in terms of the case set out in the legal notice within a time bound manner.

Notice of motion.

On the asking of the Court, Mr. Vaibhav Sharma, Deputy Advocate General, Punjab accepts notice on behalf of the respondent and has no objection if the present petition is disposed of in the same terms.

In view of the aforesaid agreed stand, the present petition is disposed of with the direction to the Competent Authority to decide the claims of the petitioners as set out in the legal notice (P-7) and the present writ petition by passing a speaking order within six months from the receipt of certified copy of the order along with the copy of the writ petition. The admissible monetary benefits shall thereafter be released within next three months.

(JASWANT SINGH)
JUDGE

May 12, 2017
Vinay

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No