

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-7013-2019

Date of decision: - 14.03.2019

Kailash Chand Sharma and another

...Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ganesh Kumar Sharma, Advocate
for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

Petitioners have approached this Court seeking grant of the increment for the service which they have rendered continuously for a period of one year before they superannuated on 30.06.2013 and 30.06.2016 respectively, as the case may be.

Counsel for the petitioners states that benefit of the increment has not been allowed on the ground that the increment was to be granted on 01.07.2013 and 01.07.2016 respectively, whereas the petitioners retired 30.06.2013 and 30.06.2016 respectively and therefore, as the petitioners were not in service on relevant dates, they are not entitled for the benefit of increment.

Counsel for the petitioners contends that the increment is to be granted for the service rendered for the year which the petitioners

rendered prior to the retirement and hence, denial of increment for which they are entitled for is contrary to the law laid by the judgment of Madras High Court attached as Annexure P-4 which has been upheld by the Hon'ble Supreme Court of India.

Counsel for the petitioners further states that the petitioners will be satisfied, in case a time bound direction is given to the respondents to decide their claim raised in the legal notice dated 07.11.2017 (Annexure P-2).

Without commenting upon the merits of the case or about the entitlement of the petitioners for the relief which has been claimed by them in the legal notice dated 07.11.2017 (Annexure P-2), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 07.11.2017 (Annexure P-2) within a period of three months from the receipt of copy of this order.

In case, it is found that the petitioners are entitled to the monetary benefits after the decision of the legal notice, the same should also be paid to the petitioners within three months thereafter.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

March 14, 2019
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Whether reasoned/speaking?	Yes
Whether reportable?	No