

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 10645 of 2019
Date of Decision : 25.04.2019

Head Constable Ashwani Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the grievance of the petitioner is that though he superannuated on 30.09.2017 after attaining the age of superannuation but the increment for the period from 01.10.2016 till 30.09.2017 has not been granted to him on the ground that on the date when the said increment was to be given, he was not in service.

It is the contention of the petitioner that once he has rendered continuous service for a period of one year, he is entitled for the increment for the said period as provided under the rules governing the service.

From the averments made in the writ petition, it transpires that for the relief, which has been claimed in the present writ petition, the petitioner has made representation dated 16.10.2018 (Annexure P-1) and also served upon the respondents a legal notice dated 20.02.2019(Annexure P-2), which, keeping in view the averments made in the writ petition, are still pending consideration with the respondents.

Interest of justice will be served, at this stage, in case a time

bound direction is given to the respondents to decide the said legal notice dated 20.02.2019 (Annexure P-2) by passing an appropriate speaking order.

Without going into the merits of the case or expressing any opinion to the entitlement of the petitioner in respect of the claim prayed in the present writ petition or in the legal notice, the present writ petition is disposed of with a direction to the respondents to pass an appropriate speaking order on the claim raised by the petitioner in the legal notice dated 20.02.2019 (Annexure P-2) within a period of three months from the date of receipt of certified copy of this order.

In case after the order, it is found by the respondents that the petitioner is entitled for any monetary benefits, the same should also be released to him within a period of next three months.

The writ petition stands disposed of.

April 25, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? *Yes*
Whether reportable? *No*