

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-14791-2019

Date of decision: - 29.05.2019

Mahesh Kumar Sharma and others

....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. S.K. Malik, Advocate,
for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

Petitioners have approached this Court seeking grant of the increment in respect of the service which they have continuously rendered for one year before their superannuation.

As per the averments made in the writ petition, petitioner No.1 retired on 30.06.2015; petitioner No.2 retired on 30.06.2016 and petitioner No.3 retired on 30.06.2018. It has been contended in the writ petition that prior to their retirement, petitioners had rendered continuous one year service, but the benefit of increment for the said service has been declined to them on the ground that the increment was to be granted on 1st July, whereas they had retired on 30th June of the respective years and therefore, on the date when the increment was to be granted, they were not in service.

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 their 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 issued to the respondents to decide their claim raised in the legal notice dated 16.01.2019 (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 16.01.2019 (Annexure P-2), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 16.01.2019 (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

May 29, 2019
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No