

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

(138)

CWP-15649-2019

Date of Decision: May 31, 2019

Prabha Mohindra

.. Petitioner

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)

Petitioner has approached this Court seeking grant of increment in respect of the service which her late husband has continuously rendered for one year before he superannuated on 30.06.2006, but the respondents have not granted increment for the said year on the ground that the increment was to be granted on 01.07.2006, on which date the husband of petitioner was not in service.

Learned counsel for the petitioner contends that the increment is to be granted for the service rendered for the year which the petitioner has rendered prior to the retirement and hence denial of increment for which her husband was entitled for is contrary to the law laid by the judgment of Madras High Court attached as Annexure P-3 which has been upheld by the Hon'ble Supreme Court of India.

Learned counsel for the petitioner argues that on 03.04.2019, even a decision has been taken by the Government of Haryana to grant the benefit of the increment to an employee who has retired on 30th of June of a respective year and increment was to be granted on 1st of July but still no benefit is being extended to the employees, and the matters are being kept

pending.

Learned counsel for the petitioner further states that the petitioner will be satisfied, in case a time bound direction is given to the respondents to decide her claim raised in the legal notice dated 16.02.2019 (Annexure P-2).

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by her in the legal notice dated 16.02.2019 (Annexure P-2), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 16.02.2019 (Annexure P-2) within a period of three months from the receipt of copy of this order.

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

May 31, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No