

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 27801 of 2019

Date of decision : 26.09.2019

Jagjit Singh Brar

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Neha Sharma, Advocate for
Mr. Amaninder Preet, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that the petitioner had rendered four years service in the Cadre of Executive Officer Grade-II before he retired on attaining the age of superannuation on 31.03.2017 and hence, is entitled for the grant of benefit of ACP after rendering four years regular service, which benefit has not been released to the petitioner without any valid justification, though there is no impediment in the release of the same. Learned counsel further argues that petitioner had rendered one year continuous service before his retirement on 31.03.2017 and his increment was due on 01.04.2017, which has not been extended to the petitioner on the ground that on the date of grant of the increment, the petitioner was not in service.

Counsel for the petitioner contends that the increment is to be granted for the service rendered for each completed year, which the petitioner rendered prior to his retirement and hence, denial of increment for which he is entitled, is contrary to the law laid by the judgment of Madras

High Court in case **W.P. No.15732 of 2017** titled as '**P. Ayyamperumal Vs.**

The Registrar, Central Administrative Tribunal and others', decided on 15.09.2017, which has been upheld by the Hon'ble Supreme Court of India.

Learned counsel for the petitioner prays that a direction be issued to the respondents to re-fix the salary of the petitioner as well as the pensionary benefits of the petitioner by granting him the benefit of ACP w.e.f. 26.12.2015 as well as by the grant of one increment for rendering continuous service from 01.04.2016 till 31.03.2017.

Counsel for the petitioner further states that for the relief as claimed in the present writ petition, petitioner has made representation dated 29.11.2018 (Annexure P-4) to the respondents, which is still pending consideration and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide his claim raised in the representation dated 29.11.2018 (Annexure P-4).

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the representation dated 29.11.2018 (Annexure P-4), the present writ petition is disposed of with a direction to the respondents to decide the representation dated 29.11.2018 (Annexure P-4) 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 representation, the same should also be paid to him within three months thereafter.

Present writ petition stands disposed of.

September 26, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No