

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 28016 of 2019

Date of decision : 27.09.2019

Karam Chand

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. M.K. Dogra, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel appearing on behalf of the petitioner states that as per the order passed by the Hon'ble Supreme Court of India while deciding SLP (Civil) No. 13027 of 2011, decided on 16.07.2014 (Annexure P-9), four special increments were to be restored to an employee, from whom, the same were withdrawn.

Learned counsel appearing on behalf of the petitioner very fairly states that the employees, who were not granted the four special increments, are not entitled for the grant of the same in pursuance to the order passed by the Hon'ble Supreme Court of India in SLP No. 13027 of 2011 on 16.07.2014 (Annexure P-9) but in the present case, though no order has been attached alongwith the writ petition but the petitioner was actually granted the benefit of four special and six retrenchment increments and the same were later on withdrawn and, therefore, the case of the petitioner is squarely covered by the direction issued by the Hon'ble Supreme Court of India while deciding SLP No. 13027 of 2011 on 16.07.2014.

The statement of the counsel is not supported by any document

showing that the petitioner was ever given the benefit of four special and six retrenchment increments at any given point of time while in service and the same were withdrawn.

Faced with this situation, learned counsel for the petitioner states that the petitioner has already given a representation dated 03.09.2018 (Annexure P-11) to the respondents, which is still pending consideration with the respondents and the petitioner will be satisfied at this stage, in case a time bound direction is given to the respondents to decide the same by passing an appropriate speaking order and in case it is found by the respondents that the petitioner was given the benefit of four special and six retrenchment increments during his service career and the same were withdrawn, the respondents be directed to restore the same in pursuance to the order passed by the Hon'ble Supreme Court of India in SLP No. 13027 of 2011 on 16.07.2014.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, the respondents are directed to decide the representation dated 03.09.2018 (Annexure P-11) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

Writ petition stands disposed of accordingly.

September 27, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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