

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 27956 of 2019
Date of decision : 27.09.2019

Kashmiri Lal and others

....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. S.S. Sahu, Advocate for the petitioners.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioners argues that for rendering 12 months service, an employee gets an increment and in case, at the time of retirement, an employee has not rendered 12 months service, he is entitled for the proportionate increment, for the service which he had rendered in the preceding 12 months but the said benefit has not been extended to the petitioners and no benefit for the service, which the petitioners rendered after the grant of the last increment before retirement, is contrary to the settled principle of law as settled by the 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 judgment has been upheld by the Hon'ble Supreme Court of India.

Learned counsel for the petitioner prays that respondents

be directed to consider the case of the petitioners for the grant of proportionate increment as envisaged under the Rules governing the service and re-fix their pensionary benefits accordingly.

Learned counsel for the petitioners states that for the relief, which has been claimed in the present writ petition, petitioners have served respondents with a legal notice dated 15.03.2019 (Annexure P-2), which is still pending consideration with the respondents and the petitioners will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioners, the respondents are directed to decide the legal notice dated 15.03.2019 (Annexure P-2) 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