

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

CWP-32682-2019

Date of decision: - 13.11.2019

Kanwaldeep Singh

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Aazam Khan, Advocate
for Mr. Parveen Bhardwaj, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Petitioner has approached this Court seeking grant of the increment for the service, which he had rendered continuously for a period of one year before he superannuated on 30.06.2012.

Counsel for the petitioner states that benefit of the increment has not been allowed to the petitioner on the ground that the increment was to be granted on 1st July of the year in which he retired, whereas, he retired on the last day of the month of June, 2012 and therefore, though the petitioner completed one year of service but as the petitioner was not in service on relevant date i.e. 01.07.2012, on which he was to be granted the increment, he is not entitled for the benefit of increment.

Counsel for the petitioner contends that the increment is to be granted for the service rendered for the year, which the petitioner

rendered prior to his retirement and hence, denial of increment for which he is entitled for is contrary to the law laid down by the judgment of Hon'ble 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.

Counsel for the petitioner further states that 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 legal notice dated 25.07.2019 (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 him in the legal notice dated 25.07.2019 (Annexure P-2), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 25.07.2019 (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 him within three months thereafter.

Present writ petition stands disposed of.

November 13, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No