

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 33448 of 2019
Date of decision : 18.11.2019

ESI/ASI Rajbir Singh and others

...Petitioners

Versus

State of Haryana and another

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Arun Sharma, Advocate for
Mr. S.S. Dinarpur, Advocate for the petitioners.

Harsimran Singh Sethi, J. (Oral)

The grievance of the petitioners is that they have retired on 30th June of the respective year (as depicted in para 2 of the writ petition) in which they retired on attaining the age of superannuation. Prior to their retirement, all the petitioners had rendered continuous service for 365 days, but for the said service, they were not granted the increment on the ground that the increment was to be granted on 1st July, of the year in which they had retired and therefore, as on the date, when the increment was to be granted, they were not in service, hence, petitioners were held not entitled for the same.

Learned counsel for the petitioners contends that increment is to be granted for the service rendered for a year, which the petitioners have rendered prior to their retirement and hence, denial of increment for which

they are entitled is contrary to the law laid by the judgment of Madras High Court in *W.P. No. 15732 of 2017* titled as *Ayyamperumal Vs. The Registrar, Central Administrative Tribunal and others'*, decided on 15.09.2017 attached as Annexure P-2 which has been upheld by the Hon'ble Supreme Court of India.

Learned counsel for the petitioners further states that petitioners will be satisfied, in case a time bound direction is issued to the respondents to decide their claim as raised in the legal notice dated 10.10.2019 (Annexure P-6).

Without commenting upon the merits of the case or about the entitlement of the petitioners for the relief which has been claimed by them in the legal notice dated 10.10.2019 (Annexure P-6), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 10.10.2019 (Annexure P-6) within a period of three months from the receipt of copy of this order. In case, it is found that the petitioners are entitled to any monetary benefits after the decision of the legal notice, the same should also be paid to the petitioners within three months thereafter.

However, it is made clear that the arrears will be restricted from the date when the legal notice was served by the petitioners i.e. 10.10.2019 (Annexure P-6).

Present writ petition stands disposed of.

November 18, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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