

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

(102)

**CWP-32083-2018 (O&M)
Date of Decision: March 11, 2019**

Maan Singh

.. Petitioner

Versus

State of Punjab and ors

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. J.P.S. Sidhu, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

CM-2769-CWP-2019

Present application has been filed to place on record Annexure P-8 (copy of instructions dated 25.09.1998 regarding ACP Scheme).

The application is allowed.

Annexure P-8 is permitted to be taken on record.

CWP-32083-2018

Learned counsel for the petitioner states that on completion of 32 years of service, the petitioner was entitled for one additional increment. As per the ascertainment made in the present writ petition, the petitioner joined service on 29.12.1957 and he retired on 30.11.1997.

Learned counsel for the petitioner states that though the petitioner had more than 32 years service to his credit but the benefit of the same is not being granted to him on the ground that the contributory provident fund was deducted from 01.02.1968 on wards and the service rendered prior to the said date cannot be counted for any purpose. Counsel further states that the said action of the respondents is not at all correct and

is contrary to the law as total service rendered by the petitioner is to be counted for granted him the benefit including one additional increment.

Learned counsel for the petitioner states that for the relief which has been claimed in the present writ petition, the petitioner has served upon the respondents with a legal notice dated 10.05.2018 (Annexure P-8) which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the legal notice dated 10.05.2018 (Annexure P-8) by passing an appropriate speaking order.

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 10.05.2018 (Annexure P-8), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 10.05.2018 (Annexure P-8) within a period of three months from the receipt of certified 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.

However, it is made clear that in case the claim of the petitioner allowed, the petitioner will not be granted increment beyond 3 years and 2 months prior to the filing of the present writ petition.

(HARSIMRAN SINGH SETHI)
JUDGE

March 11, 2019
harsha

Whether speaking/reasoned: Yes
Whether reportable: No