

**124 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CWP No.35644 of 2019 (O&M)
Date of decision : December 09, 2019**

Virak Bhan

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sunil Kumar Bhardwaj, Advocate for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Petitioner has approached this Court seeking grant of the increment for the service, which she had rendered continuously for a period of one year before she superannuated on 30.06.2017.

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 she retired, whereas, he retired on the last day of the month of June and therefore, though the petitioner completed one year of service but as the petitioner was not in service on relevant date i.e. 01.07.2017, 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 Madras High Court in **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 02.08.2019 (Annexure P-5).

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 02.08.2019 (Annexure P-5), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 02.08.2019 (Annexure P-5) 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.

(HARSIMRAN SINGH SETHI)
JUDGE

December 09, 2019

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No