

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

**CWP No.35830 of 2019 (O&M)
Date of decision : December 10, 2019**

Jagmal Singh and another Petitioners

Versus

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioners contends that an employee gets an increment for rendering 12 months service and in the present case, at the time of retirement, the petitioners have not rendered 12 months service, hence they are entitled for the proportionate increment, for the service which they had rendered in the preceding 12 months prior to retirement.

Learned counsel for the petitioners states that benefit of increment has not been extended to the petitioners on the ground that the petitioners were not in service on the date when increment was to be granted but said reason 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 petitioners 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 02.08.2019 (Annexure P-5), 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 02.08.2019 (Annexure P-5) 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.

(HARSIMRAN SINGH SETHI)
JUDGE

December 10, 2019

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Whether speaking / reasoned

Yes

Whether Reportable:

No