

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

**CWP No.35921 of 2019 (O&M)
Date of decision : December 11, 2019**

Satbir Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Manoj Chahal, Advocate for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner contends that an employee gets an increment for rendering 12 months service and in the present case, at the time of retirement, the petitioner had rendered 12 months service, hence he is entitled for the proportionate increment, for the service which he had rendered in the preceding 12 months prior to retirement.

Learned counsel for the petitioner states that benefit of the increment has not been extended to the petitioner on the ground that he was 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 petitioner prays that respondents be directed to consider the case of the petitioners for the grant of increment as envisaged under the Rules governing the service and re-fix their pensionary benefits accordingly.

Learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, petitioner has served respondents with a legal notice dated 31.05.2019 (Annexure P-2), 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 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 petitioner, the respondents are directed to decide the legal notice dated 31.05.2019 (Annexure P-2) 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 11, 2019

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Whether speaking / reasoned

Yes

Whether Reportable:

No