

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

CWP-37118-2019

Date of decision: - 19.12.2019

Gurbax Singh Khurana

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: - Mr. P.S. Khurana, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Petitioner has approached this Court seeking grant of the increment for the service, which he had rendered continuously for a period of one year before he superannuated on 31.01.1997.

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 February of the year in which he retired, whereas, he retired on the last day of the month of January, 1997 and therefore, though the petitioner completed one year of service but as the petitioner was not in service on relevant date i.e. 01.02.1997, on which he was to be granted the increment, he is not entitled for the benefit of increment.

Counsel for the petitioner argues 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 Hon'ble 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 has been upheld by the Hon'ble Supreme Court of India.

Petitioner is unable to satisfy this Court as to why the present petition has been filed in the year 2019 in respect of cause of action which was due in the year 1997 and there is no explanation for the delay in approaching to this Court.

Learned counsel for the petitioner states that for the relief, which is being claimed by the petitioner in the present writ petition, the petitioner has submitted a representation dated 15.06.2019 (Annexure P-3), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is given to the respondents to decide his claim raised in the representation dated 15.06.2019 (Annexure P-3).

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 representation dated 15.06.2019 (Annexure P-3), the present writ petition is disposed of with a direction to the respondents to decide the representation dated 15.06.2019 (Annexure P-3) within a period of three months from the receipt of copy of this order. In case, it is found that the

petitioner is entitled to any monetary benefits after the decision of the representation, the same shall also be paid to the petitioner within three months thereafter.

However, it is made clear that the arrears will be restricted from the date when the representation (Annexure P-3) was submitted by the petitioner i.e. 15.06.2019.

Present writ petition stands disposed of.

December 19, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No