

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-37247-2019

Date of decision: - 20.12.2019

Somdutt and others

....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- None for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

Petitioners have approached this Court seeking grant of the increment in respect of the service which they have continuously rendered for one year before their superannuation.

As per the averments made in the writ petition, petitioners have retired on 30th June of the respective years. It has been averred in the writ petition that prior to their retirement, petitioners had rendered continuous one year service, but the benefit of increment for the said service has been declined to them on the ground that the increment was to be granted on 1st July, whereas they had retired on 30th June of the respective years and therefore, on the date when the increment was to be granted, they were not in service.

In support of their contentions, petitioners have placed reliance upon a 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.

From the pleadings, it transpires that for the relief, which has been sought in the present writ petition, petitioners have sent a legal notice dated 17.07.2019 (Annexure P-2), which is still pending consideration with the respondents.

Interest of justice will be served, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioners for the relief which has been claimed by them in the legal notice dated 17.07.2019 (Annexure P-2), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 17.07.2019 (Annexure P-2) within a period of three months from the receipt of copy of this order.

In case, it is found that the petitioners are entitled to the monetary benefits after the decision of the legal notice, the same should also be paid to the petitioners within three months thereafter.

Present writ petition stands disposed of.

December 20, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No