

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(150)

CWP-1004-2020
Date of Decision: 15.01.2020

Parminder Singh Mangat

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Balwinder Singh, Advocate for
Mr. Amrik Singh, 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 31.12.2012.

Counsel for the petitioner states that petitioner had rendered one year service prior to his retirement on 31.12.2012 but the increment for which the petitioner was entitled, has not been given to him by the respondents on the ground that the same was to be given on 01.01.2013, on which date, the petitioner had already retired and, therefore, though the petitioner completed one year of service but as the petitioner was not in service on relevant date i.e. 01.01.2013, on which date 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 by the judgment of 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.

Learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, petitioner has served the respondents with a legal notice dated 09.12.2019 (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 09.12.2019 (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.

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

January 15, 2020
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Whether speaking/reasoned: Yes
Whether reportable: No