

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

**CWP No.1776 of 2020 (O&M)
Date of decision : January 23, 2020**

Davinder Singh and others Petitioners

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sunny Singla, Advocate for the petitioners.

HARSIMRAN SINGH SETHI J. (ORAL)

Petitioners have approached this Court seeking grant of the increment for the service, which they had rendered continuously for a period of one year before they superannuated.

As per the averments made in the writ petition, benefit of increment has not been allowed to the petitioners on the ground that on the date of grant of increment, they were not in service and had retired, though they had rendered continuous one year service prior to their retirement.

Learned counsel for the petitioners argues that denial of increment for which they are entitled for, is contrary to the law laid down by the 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.

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 16.08.2019 (Annexure P-4), 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 16.08.2019 (Annexure P-4) 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 petitioners are entitled for any monetary benefits after the decision of the representation, the same should also be paid to them within three months thereafter.

Writ petition stands disposed of accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

January 23, 2020

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Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No