

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5686 of 2020

Date of decision: 02.03.2020

Shashi Kant Sodhi and another

.... Petitioners

versus

State of Punjab and another

... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vipin Mahajan, Advocate
for the petitioners.

HARSIMRAN SINGH SETHI, J.

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 on 31.12.2009.

Counsel for the petitioners states that benefit of the increment has not been allowed to the petitioners on the ground that the increment was to be granted on 1st January, 2010, whereas, they retired on the last day of the month of December 2009 and therefore, though the petitioners completed one year of service but as the petitioners were not in service on relevant date i.e. 01.01.2010, on which they were to be granted the increment, they are 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 petitioners rendered prior to their retirement and hence, denial of increment for which they are

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.

Petitioners are unable to satisfy this Court as to why the present petition has been filed in the year 2020 in respect of cause of action which was due in the year 2010 and there is no explanation for the delay in approaching to this Court.

Learned counsel for the petitioners states that for the relief, which is being claimed by the petitioners in the present writ petition, the petitioners have served a legal notice dated 17.12.2019 (Annexure P-6), which is still pending consideration with the respondents and the petitioners will be satisfied, at this stage, in case a time bound direction is given to the respondents to decide their claim raised in the legal notice dated 17.12.2019 (Annexure P-6).

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 17.12.2019 (Annexure P-6) the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 17.12.2019 (Annexure P-6), 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 any monetary benefits after the decision of the legal notice, the same shall also be paid to the petitioners within three months thereafter. However, it is made clear that the arrears will be restricted from the date

when the legal notice was served by the petitioners i.e. 17.12.2019.

Present writ petition stands disposed of.

02.03.2020.
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(HARSIMRAN SINGH SETHI)
JUDGE

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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |