

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 8127 of 2020

Date of Decision: 24.07.2020

Shakti Devi

... Petitioner(s)

Versus

State of Haryana and Other

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal

Present: Mr. S.K.Malik, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to grant the benefit of annual increment to the writ petitioner which fell due on 01.07.2016.

The writ petitioner claims that he was employed as a Teacher in the School Education Department, Haryana on 23.12.1978 and on attaining the age of superannuation, he retired from the service on 30.06.2016. It is also claimed that after the Sixth Pay Commission, the Haryana Government has fixed 1st July as the date of annual increment for all the employees by making an amendment in Rule 10 of HCS Revised Pay Rules, 2008 and Rule 20 of HCS (ACP) Rules, 2008. The writ petitioner relies upon a judgment passed by the Division Bench of the Madras High Court on 15.09.2017 (Annexure P4) against which Special Leave Petition was not entertained.

Learned counsel for the writ petitioner submitted that similar writ petition, filed by certain other employees of the State of Haryana, was disposed of by this Court vide Civil Writ Petition No. 6985 of 2019 on 14.03.2019 while directing the respondents to decide the claim of the employees.

The writ petitioner claims that he has also sent a notice on 16.11.2019, however, no decision thereon has been taken. Learned counsel submits that at this stage, the writ petition can be disposed of by directing the respondents to decide the claim of the writ petitioner as projected in the notice within a specified time.

Keeping in view the aforesaid facts and without commenting upon the merits of the case and without entitlement of the writ petitioner for the relief claimed in the notice, the present writ petition is disposed of with the directions to the respondents to decide the claim in accordance with law within a period of three months from the date of receipt of a certified copy of this order. Hence, the present writ petition is disposed of.

(Anil Kshetarpal)
Judge

July 24, 2020
“DK”

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No