

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

CWP-19033-2020

Date of decision: - 10.11.2020

Gian Singh

....Petitioner

Versus

The State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. J.S. Jaidka, Advocate, for the petitioner.

Ms. Monica Chhibber Sharma, Senior DAG, Punjab.
(keeping in view the advance copy given).

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 31.12.2005.

Learned counsel for the petitioner states that benefit of the increment has not been allowed to the petitioner on the ground that the increment was to be granted on 01st January, 2006, whereas, he retired on 31st of December, 2005 and therefore, though the petitioner completed one year of service but as the petitioner was not in service on relevant date i.e. 01.01.2006, on which he was to be granted the increment, he is not entitled for the benefit of increment.

Learned counsel for the petitioner submits that a similarly situated employee, namely, Hardeep Singh, who had approached this Court by filing CWP-2276-2020, wherein, also the directions were given

to the respondents to consider his claim for the grant of increment, the benefit has already been allowed and therefore, the present petitioner is also entitled for the benefit of increment for the service, which he had rendered from 01.01.2005 to 31.12.2005.

Learned counsel for the petitioner contends that the increment is to be granted for the service rendered by the petitioner for the year 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.

Counsel for the petitioner further states that for the relief, which has been claimed in the present writ petition, petitioner has submitted a representation dated 29.05.2020 (Annexure P-1) with the respondents, which is still pending consideration and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide his claim as raised in the representation dated 29.05.2020 (Annexure P-1).

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the representation dated 29.05.2020 (Annexure P-1), the present writ petition is disposed of with a direction to the respondents to decide the representation dated 29.05.2020 (Annexure P-1) within a period of three months from the receipt of copy of this order.

In case, it is found that the petitioner is entitled for any monetary benefits after the decision of the representation, the same should also be paid to him within three months thereafter.

Present writ petition stands disposed of.

November 10, 2020
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No