

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

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Civil Writ Petition No.7179 of 2015
Date of Decision: February 3rd, 2020

Jatinder Pal Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioners.

Ms. Anu Pal, Deputy Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court challenging the order dated 22.11.2013 (Annexure P-7) which has been passed by the respondents denying the benefit of increment to the petitioners for having not participated in the strike being on work-charge basis on that date i.e. 08.02.1978.

2. It is the contention of learned counsel for the petitioners that the claim of the petitioners is covered in their favour by the Division Bench judgment of this Court in *CWP No.376 of 2000* titled as *Smt. Rattan Kaur, Headmistress and others Versus State of Punjab and others*, decided on 22.11.2000 (Annexure P-4), wherein it has been held that *ad hoc* and work-charge employees would be entitled to the benefit of premature increment/additional increment for having not participated in the strike on 08.02.1978. He, thus, contends that the rejection of the claim of the petitioners by the Superintending Engineer, Water Supply and Sanitation Division, Sangrur, is unsustainable as the judgment on which reliance has been placed by the said authority would not hold the field in the light of the latest judgment passed by the Division Bench of this Court, referred to above. He, thus, contends that the petitioners would be entitled to the benefit as claimed.

3. On the other hand, learned counsel for the respondents asserts that the petitioners were not regular employees on 08.02.1978 and, therefore, would not be entitled to the said benefit. That apart, she has asserted that the claim which has been made by the petitioners is belated and no benefit can be granted to them because of the inordinate delay on their part in approaching the department and even the Court.

4. I have considered the submissions made by learned counsel for the parties and with their assistance, have gone through the pleadings as also the judgment passed by this Court and find the case of the petitioners being covered by the Division Bench judgment of this Court in Rattan Kaur's case (supra).

5. In view of the above, the present writ petition is allowed and the impugned order dated 22.11.2013 (Annexure P-7) passed by the Superintending Engineer, Water Supply and Sanitation Division, Sangrur, is hereby set aside.

6. Petitioners are held entitled to the grant of benefit of increment with effect from the date due, however, they shall not be entitled to the actual financial benefit with effect from the said date and would only be granted the financial benefit with effect from the date on which directions were issued by this Court in *CWP No.17263 of 2013* titled as *Amrika Prasad and others Versus State of Punjab and others*, decided on 08.08.2013 (Annexure P-6) which was preferred by some of the petitioners. The arrears be released to the petitioners within a period of three months from today.

February 3rd, 2020

Puneet

(AUGUSTINE GEORGE MASIH)

JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No