

Sr. No.111

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

CWP No.20528-2020

Date of Decision: 02.12.2020

Surat Singh

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Rajesh Kumar Dhankar, Advocate,
for the petitioner.

Ms. Ranjana Shahi, Additional A.G., Haryana.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petitioner herein seeks issuance of a writ in the nature of mandamus directing the respondents to grant him benefit of one increment, which has become due on 01.07.2013 i.e. the retirement year of the petitioner along with all consequential benefits with interest.

2. Petitioner pleads that on attaining the age of superannuation, he retired on 30.06.2013. He got his last increment on 01.07.2012 prior to just one year from his retirement from service. After 6th Pay commission, Haryana Government fixed 1st of July as the date of increment for all employees by amendment of Rule 10 of HCS Revised Pay Rules, 2008 and Rule 20 of HCS (ACP) Rules 2008. However, petitioner has not been granted the benefit of one increment, which became due on 01.07.2013 at the time of retirement, notwithstanding that he had completed requisite one year of service from 01.07.2012 to 30.06.2013.

3. Learned counsel for the petitioner submits that same very controversy arose before Madras High Court in WP No. 15732 of 2017 which was resolved vide judgment dated 15.09.2017. Apex Court has

dismissed the SLP (civil) Diary No. (s) 22283 of 2018 arising out of impugned final judgment of Madras High Court.

4. Learned counsel for the petitioner also relies on an order passed by Division Bench of this Court vide *CWP No.29465 of 2018* titled as “*Rajinder Singh Kuhar and others Vs. State of Haryana and others*”, *decided on 22.04.2019* (Annexure P-5).

5. Learned counsel submits that petitioner caused issuance of a legal notice dated 18.05.2020 (Annexure P-4) to the respondents but the same has not been adverted to by the respondents till date. Hence, the instant petition.

4. Notice of motion.

5. Ms. Ranjana Shahi, Additional A.G. Haryana, who has joined proceedings on service of advance copy of the petition appears and accepts notice on behalf of the respondents-State of Haryana.

6. Given the nature of order being passed, there is no necessity to seek return by any of the respondents, as no proceedings and/or pleadings are required.

7. Without commenting on the merits of the case, writ petition is disposed of with a direction to the competent authority to look into the legal notice dated 18.05.2020 (Annexure P-4) and also by keeping in view the order passed by this Court contained at Annexures P-5 and decide the same by passing a speaking order, in accordance with law.

8. Let the needful be done within a period of 02 months from today.

9. In case, a favorable order is passed then the benefit thereof be accorded to the petitioner within a period of 03 months thereafter.

10. Disposed of accordingly.

DECEMBER 02, 2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable

Yes/No
Yes/No