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

CWP-231-2021

Date of Decision: 30.05.2022

Balwant Rai

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Gitanjali Chhabra, Advocate,
for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that in the present case, the petitioner, who was working as an Assistant Municipal Engineer with the respondent-Department, was not granted an increment even though he had served for a period of one year prior to the retirement, i.e. w.e.f. 01.01.2015 to 01.01.2016, hence the benefit of said increment has not been taken into account and the same could not be added in pay of the petitioner for computing his pensionary benefits. Learned counsel for the petitioner submits that the question of law as raised in the present petition has already been decided by this Court while passing judgment in **CWP-32598-2019**, titled as ***“Gurdev Singh and others Vs. State of Punjab and another”***, decided on 16.03.2022.

Learned State counsel very fairly submits that though the question of law, as raised in the present petition, has already been decided

by this Court in **Gurdev Singh's case** (supra), but whether the petitioner has

served for a period of one year, i.e. w.e.f. 01.01.2015 to 01.01.2016, or not with the respondent-Department is a factual aspect which cannot be replied to at this stage, and therefore, the present petition be disposed in terms of the order passed by this Court in **Gurdev Singh's case** (supra), but with a liberty to the respondents that if the petitioner has not rendered one year regular service with the respondent-Department, as contended by learned counsel for the petitioner, an appropriate order will be passed by the authorities concerned.

Learned counsel for the petitioner raises no objection for grant of the said liberty to the respondents.

Keeping in view the above, the present petition is disposed of in terms of the order passed in **Gurdev Singh's case** (supra) with liberty to the respondents that in case it is found that the petitioner has not worked for a period of one year with the respondent-Department, as being claimed in the present petition, an appropriate order on the said aspect be passed by the authorities concerned, within a period of eight weeks of passing of this order, otherwise the benefit for which the petitioner is entitled for, be released in his favour.

30.05.2022
Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned : Yes
2. Whether reportable : No