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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CWP-5143-2021
Date of Decision: 30.05.2022

Naresh Kumar Dhir and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Ms. Ambika Bedi, AAG, Punjab.

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HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioners argues that in the present case, the petitioners, who were working with the respondent-Department, were not granted the increments, even though they had served for a period of one year prior to their respective dates of retirement, the details of which have been given in Para No.2 of the present petition, hence the benefit of said increments have not been taken into account and the same could not be added in pay of the petitioners for computing their pensionary benefits.

Learned counsel for the petitioners 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 petitioners

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have served for the said period of one year prior to their respective dates of retirement, as claimed by them in the present petition, 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 petitioners have not rendered the said one year of their respective regular services with the respondent-Department, as contended by learned counsel for the petitioners, an appropriate order will be passed by the authorities concerned.

Learned counsel for the petitioners 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 petitioners have 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 petitioners are entitled for, be released in their favour.

30.05.2022 **(HARSIMRAN SINGH SETHI)**
Apurva **JUDGE**

1. Whether speaking/reasoned : Yes

2. Whether reportable : No

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