

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(137)

CWP-10755-2022

Date of Decision : May 19, 2022

Gurbax Singh Khurana

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.S. Khurana, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that in the present case, the petitioner, who was working with the respondent-Department, retired after completing one year of service, which was required for grant of annual increment, but the said period has not been taken into account for the grant of increment to 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***.

Notice of motion.

Mr. Navdeep Chhabra, learned Deputy Advocate General, Punjab, keeping in view the advance service of the copy of petition, accepts notice on behalf of the State and 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 or not with the respondent-Department before his retirement, as being claimed by learned counsel for the petitioner, is a factual aspect which cannot be replied to at this stage, and therefore, the present petition be disposed of 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 being claimed by him, 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, the appropriate order on the said aspect be passed by the authorities concerned, otherwise the benefit for which the petitioner is entitled for be released in his favour.

May 19, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No