

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

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CWP No.20619 of 2022

Date of decision: 12.09.2022

Balwinder Singh

....Petitioner

V/s

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Amrik Singh, Advocate for the petitioner.

Ms. Ambika Bedi, AAG Punjab.

VIKAS SURI, J. (Oral)

Learned counsel submits that the petitioner after attaining the age of superannuation, retired on 31.03.2019. As on the date of retirement, the petitioner had completed one year service, which was required for grant of annual increment but the same has not been taken into account for grant of increment to be added in the pay of the petitioner for computing his pensionary benefits.

Learned counsel submits that the question of law arising in the present petition is no longer *res integra* and refers to CWP No.32598 of 2019 titled ***Gurdev Singh and others vs. State of Punjab and another***, along with other connected cases, decided on 16.03.2022 (Annexure P-2).

Learned counsel, on instructions from the petitioner, submits that he is ready to forgo the arrears in case the pensionary benefits are fixed notionally up to the date of filing of this petition and the benefits of increment, but for the arrears, be extended to him from the date of legal notice dated 10.08.2022 (Annexure P-3). Learned counsel would contend that as the pensionary benefits have been adversely affected and the same being a continuous cause of action as per the judgment of the Apex Court, delay and laches would not come in the way for granting notional benefits.

Learned counsel further submits that the petitioner would be satisfied, at this stage, in case the justice demand notice dated 10.08.2022 that is still pending consideration with the authorities, is decided by passing a speaking order, within some stipulated time.

Ms. Ambika Bedi, AAG Punjab, accepts notice on behalf of the respondents and waives service. She does not raise objection to the limited prayer made seeking a decision on the justice demand notice, in a time bound manner.

Keeping in view the limited prayer made, the peculiar facts and circumstances of the case, without expressing any opinion or going into the merits of the case or the claim being made by the petitioner in the present petition or in the justice demand notice, the competent authority is directed to look into the grievance raised in the legal notice dated 10.08.2022 (Annexure P-3) and take a decision thereon in accordance with law, by passing a speaking order within a period of eight weeks from the date of receipt of certified copy of this order.

Needless to observe that in case, after the decision, petitioner is found entitled for any benefits, the same be also extended to her within a period of six weeks thereafter, as per law.

The petition stands disposed of in the aforesaid terms.

(VIKAS SURI)
JUDGE

September 12, 2022

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No