

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

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**CWP-26948-2021**

**Date of Decision: 18.04.2022**

Narender Kumar Rathi and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Ms. Nisha Malik, Advocate,  
for the petitioners.

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**HARSIMRAN SINGH SETHI J. (ORAL)**

The present petition has been filed by the petitioners with a prayer that though they had completed one year of regular service prior to the dates of their retirement, but the benefit of the said one increment has not been taken into consideration by the respondents while fixing their pensionary benefits, and therefore, keeping in view the settled principle of law as laid down by the Hon'ble Madras High Court while passing its judgment in CWP-15732-2017, titled as "*P. Ayyamperumal Vs. Registrar, Central Administrative Tribunal Madras Bench and others*", decided on 15.09.2017, which judgment has already been upheld by the Hon'ble Supreme Court of India, the respondents be directed to grant the petitioners, the benefit of one increment in view of the one year of regular service rendered by them prior to the dates of their retirement and consequently re-fix their pensionary benefits and further extend the said consequential benefits along with the interest to the petitioners.

have also raised the same grievance before the respondent-Department by serving legal notice dated 20.10.2021 (Annexure P-2), which is still pending consideration with the authorities concerned and the petitioners will be satisfied at this stage, in case a time bound direction is given to the respondents to decide the said legal notice, dated 20.10.2021, by passing an appropriate speaking order.

Notice of motion.

Mr. Raman Kumar Sharma, Additional A.G., Haryana, keeping in view the advance service of the copy of petition, accepts notice on behalf of the State and raises no objection, in case prayer made hereinbefore on behalf of the petitioners for deciding the legal notice dated 20.10.2021 (Annexure P-2) in a time bound manner is accepted.

Keeping in view the facts and circumstances of this case and without going into merits of the claim as raised by the petitioners in the present case as well as in the legal notice dated 20.10.2021, this petition is disposed of with a direction to the respondent No.3 to pass an appropriate speaking order on the legal notice dated 20.10.2021 (Annexure P-2), filed by the petitioners, within a period of eight weeks from the date of receipt of the copy of this order. In case, the petitioners are found entitled for any benefit, the same be also released in their favour within a period of four weeks thereafter.

**18.04.2022***Apurva***(HARSIMRAN SINGH SETHI)  
JUDGE**

1. Whether speaking/reasoned : Yes

2. Whether reportable : No