

116.

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

CWP-28104-2022

Date of Decision: 07.12.2022

AMAR NATH

.... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

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

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondent authorities to grant annual increment along with consequential benefits to the petitioner on completion of one year service on the date of superannuation and further revision of pension and pensionary benefits accordingly, in view of law laid down by this Court in CWP No.32598 of 2019, decided on 16.03.2022 (Annexure P-1).

Counsel appearing on behalf of the petitioner would contend that the petitioner has wrongly been denied annual increment which became due to him only on the ground that he had retired. However, the issue already stands settled by judgment rendered by the Madras High Court in ***CWP No.15732 of 2017, P. Ayyamperumal Versus Central Administrative Tribunal, Madras Bench, Chennai and others, decided on 15.09.2017***, which has been noticed in a judgment by this Court in CWP No.32598 of 2019, decided on 16.03.2022 (Annexure P-1).

Counsel appearing on behalf of the petitioner would submit that in this regard, notice of demand dated 16.08.2022, Annexure P-2, has already been served upon the respondents, but the same has not been replied to. He would submit that at this stage, the petitioner would be satisfied in case his notice of demand is decided in accordance with law in a time bound manner.

Notice of motion.

On the asking of the Court, Ms. Deepali Puri, Additional Advocate General, Punjab, accepts notice on behalf of respondents.

Let sufficient number of copies of complete paper book be supplied to her during the course of day.

Without commenting on merits of the case and keeping in view the limited prayer made by counsel for the petitioner, the present petition is disposed of with a direction to the respondents to decide notice of demand dated 16.08.2022, Annexure P-2 submitted by the petitioner, within a period of three months from the date of receipt of certified copy of this order, in accordance with law and convey the decision to the petitioner. In case of failure to do so, the officer responsible for the lapse would be liable to costs of Rs.20,000/- from his personal pocket, to be deposited with the Punjab and Haryana High Court Advocates Welfare Fund.

It is made clear that in case the petitioner is found entitled to the relief, the same shall be released to him thereafter forthwith.

(JAISHREE THAKUR)
JUDGE

07.12.2022

sanjeev Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No