

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

249

CWP-9957-2021

Date of Decision: 11.12.2023

Rajbir Singh and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rohit Singh, Advocate, for
Mr. S.S. Dinarpur, Advocate for the petitioners.

Ms. Rajni Gupta, Addl. A.G., Haryana.

VIKAS BAHL, J (ORAL)

1. This is a civil writ petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 25.11.2020 (Annexure P-8) passed by respondent No.1 vide which the claim of the petitioners for grant of Annual Increment to the petitioners who retired on 30th June before grant of last increment, has been rejected.

2. Learned counsel for the petitioners has submitted that in a similar matter i.e. CWP-2747-2019 titled 'Dr. Lalita Sharma Vs. State of Haryana and others' this Court vide order dated 17.11.2023 had disposed of the matter in the following terms:-

“6. Keeping in view the facts and circumstances of the case, the application bearing No.CM-19017-CWP-2023 is allowed and the date of hearing of the main case is preponed from 20.02.2024 to today itself for final disposal and the main case bearing No.CWP-2747-2019 is disposed of with the following directions:-

*(i) It would be open to the petitioner to move a detailed representation to the respondent-authorities and annex the latest judgment of the Hon'ble Supreme Court in **The Director (Admn.***

and HR) KPTCL & Ors's case (supra) in the same.

(ii) The competent-authority of the respondent-State would consider the said representation within a period of six months from the date of receipt of the same in accordance with law and in case the pleas raised by the petitioner are found to be meritorious, then necessary relief be also granted to the petitioner immediately thereafter and in case the pleas of the petitioner are not found to be meritorious, then a speaking order rejecting the same would be passed within a period of six months from the date of submission of the said representation by the petitioner.

*(iii) While considering the case of the petitioner, the latest judgment of the Hon'ble Supreme Court in **The Director (Admn. and HR) KPTCL & Ors's case (supra)** would be taken into consideration.*

7. It is made clear that this Court has not opined on the merits of the case and the competent authority of the respondent-State would consider and decide the case of the petitioner independently, in accordance with law.

8. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order."

3. Learned counsel for the petitioners has further submitted that the present case be also disposed of in the same terms as passed in CWP-2747-2019, after setting aside the order dated 25.11.2020 (Annexure P-8).

4. Learned State counsel has submitted that in case the petitioners move a representation, then the same would be considered in the same terms as have been taken in CWP-2747-2019, decided on 17.11.2023.

5. Keeping in view the above facts and circumstances of the case, the order dated 25.11.2020 (Annexure P-8) is set aside and the present petition is partly allowed and the same is disposed of in the same terms as passed in CWP-2747-2019, decided on 17.11.2023.

(VIKAS BAHL)
JUDGE

11.12.2023
D.Bansal