

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

254

CWP-15377-2021

Date of Decision :-11.12.2023

Hoshiyar Singh and another

..Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sumit Sangwan, Advocate for the petitioners.

Mr. Harish Nain, AAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance of the petitioners is that the petitioners have rendered 12 months of service up to the date of their retirement from service but the increment for the said 12 months was not granted to them by the respondents on the ground that the said benefit of increment was available to them on the next date of their retirement.

2. Learned counsel for the petitioners submits that the question of law raised in the present petition has already been answered by Hon'ble Supreme Court of India in **Civil Appeal No.2471-2023 titled as The Director (Admn. and HR) KPTCL and others vs. C.P. Mundinamani & Others decided on 11.04.2023**.

3. Learned counsel for the respondents has not been able to distinguish the argument of the learned counsel for the petitioners that the claim of the petitioners is covered in favour of the petitioners as per the judgment in C.P. Mundinamani (supra).

4. Keeping in view the above, claim of the petitioners is allowed.

The petitioners are held entitled for increment in case they have completed 12 months of service prior to date of their retirement. Let the pay of the petitioners be refixed for the purpose of calculating of their pensionary benefits after ascertaining correct facts from service record.

5. Learned counsel for the petitioners further submits that though, the petitioners were entitled for the benefit as claimed but the same was declined by the respondents and the petitioners have retired from service since long and they have approached this Court hence, the petitioner be granted benefit of arrears. Controverting the said argument, learned State counsel submits that petitioners have retired since long but chose to agitate the claim only in the year 2021 hence, arrears be restricted to 38 months prior to the filing of the present petition.

6. From the facts mentioned hereinbefore, it is clear that as per the settled principle of law settled by the Hon'ble Supreme Court of India in C.P. Mundinamani (supra), the petitioners have become entitled for the relief as claimed. Prior to the decision in C.P. Mundinamani (supra), different Courts had rendered different views but the same was only settled by the Hon'ble Supreme Court of India in C.P. Mundinamani (supra) on 11.04.2023.

7. That being so, the petitioners are also entitled for the grant of benefit of arrears, which are restricted to 38 months prior to the filing of the present petition, which was filed on 10.08.2021.

8. Present petition stands allowed in above terms.

December 11, 2023

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No