

CM-16418-CWP-2023
IN/AND CWP-17976-2020

-1-

2023:PHHC:134239

118+239 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-16418-CWP-2023
IN/AND CWP-17976-2020
Date of Decision:16.10.2023

BALWINDER SINGH AND OTHERS

..... Petitioners

Versus

UNION OF INDIA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Ish Puneet Singh, Advocate for the applicant-petitioners.

Mr. Ankur Sharma, Sr. Panel Counsel
for the respondents-UOI.

JAGMOHAN BANSAL, J. (Oral)
CM-16418-CWP-2023

Application for placing on record accompanying replication
filed on behalf of the petitioners, is allowed, in view of the averments
made in the application. Said document is taken on record. Office to
append the same at appropriate place.

CM stands disposed of.

CWP-17976-2020

1. The petitioners through instant petition under Article
226/227 of the Constitution of India are seeking direction to respondents
to grant benefit of increment for the service rendered from 01.07.2018 to
30.06.2019 alongwith all consequential benefits.

2. The respondent filed reply dated 09.02.2021 wherein
respondent relied upon full Bench judgment of Andhra Pradesh High
Court in *Principal Accountant General Andhra Pradesh and another*
Vs. C. Subba Rao 2005 (2) LLN 592.

3. Learned counsel for the petitioners submits that issue involved in the present petition has been specifically adverted with and answered by Hon’ble Supreme Court in *The Director (Admn. And HR) KPTCL and others Vs. C.P. Mundinamani and others 2023 AIR (Supreme Court) 1956* wherein Supreme Court has disapproved full Bench judgment of Andhra Pradesh as well as decision of Kerala High Court in *Union of India Vs. Pavithran (O.P. (CAT) No.111/2020 decided on 22.11.2022)* and Himachal Pradesh in *Hari Prakash Vs. State of Himachal Pradesh and others (CWP No.2503 of 2016 decided on 06.11.2020)*. The Hon’ble Court has upheld view taken by Madras High, Delhi High Court, Allahabad High Court and Madhya Pradesh High Court.

4. Learned counsel for the respondent has expressed his inability to controvert aforesaid fact.

5. In the wake of judgment of Hon’ble Supreme Court in *The Director (Admn. And HR) KPTCL and others* (supra), the petition stands allowed.

6. The petitioners are entitled to increment for the service rendered from 01.07.2018 to 30.06.2019 alongwith all consequential benefits.

(JAGMOHAN BANSAL)
JUDGE

16.10.2023
Ali

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No