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

CWP-18965-2023

Date of decision: 11.09.2023

Umed Singh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sandeep Goyat, Advocate for the petitioners.

Ms. Rajni Gupta, Addl. A.G., Haryana
for the respondents.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of certiorari for quashing the action of respondents in not granting one increment on notional basis which becomes due on 1st July of the related years of the retirement of the petitioners and further for issuance of a writ in the nature of mandamus directing the respondents to grant the benefit of one increment on notional basis which becomes due on 1st July of the retirement of the years of the petitioners, with all consequential benefits.

2. Learned counsel for the petitioners has submitted that in the case of **the Director (Administration and HR) KPTCL and others Vs. C.P. Mundinamani and others**, the Hon'ble Supreme Court of India in its

judgment dated 11.04.2023 (Annexure P-12), had observed that the entitlement to receive the increment would lie when the Government servant completes requisite length of service with good conduct and becomes payable on the succeeding day and the word “accrue” is required to be understood liberally and should mean that the same would be payable on the succeeding day and thus, in case, the employee retires on the next day, then the right which has already accrued should not be taken away from the employee.

3. Learned counsel for the petitioners has submitted that with respect to some of the petitioners, the petitioners have already given representations (Annexures P-2 to P-10) and with respect to other petitioners, they would submit detailed representations within a period of two weeks from today and has further submitted that at this stage, he would be satisfied in case, the respondent authorities would take a decision on the said representations in a time bound manner and in case, pleas raised by the petitioners are found to be meritorious then necessary relief be also granted to them.

4. Learned State Counsel appearing on behalf of the respondents has submitted that the respondent authorities would consider the said representations within a period of eight weeks from today and in case of the petitioners who have yet to submit representations, the respondent authorities would consider the same within a period of eight weeks from the date of receipt of said representations.

5. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with the following directions:-

a) The competent authority of the respondents would consider the representations (Annexures P-2 to P-10) within a period of eight weeks from the date of receipt of certified copy of the present order and in case, they are of the opinion that pleas raised by the petitioners are meritorious then necessary relief be granted to them and in case, the competent authority is of the opinion that the pleas raised by the petitioners are not meritorious then a speaking order rejecting the same be passed within a period of eight weeks from the date of receipt of certified copy of the present order.

b) The petitioners, who have not submitted their representations, would submit the same within a period of two weeks from today and the competent authority of the respondents is directed to consider the said representations within a period of eight weeks from the date of receipt of the said representations and in case, the pleas raised by the petitioners are found to be meritorious then the competent authority would grant the necessary relief, in accordance with law and in case, it is of the opinion that the pleas raised by the petitioners are not meritorious then a speaking order rejecting the same be passed within a period of eight weeks from the date of receipt of certified copy of the present order.

6. This Court has not opined on the merits of the case and the competent authority of the respondents would consider the case of the petitioners independently and in accordance with law.

11.09.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**