

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120

CWP-26608-2023
Decided on : 28.11.2023

Anil Kumar

... Petitioner

Versus

State of Haryana and others

... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Sunil Kumar Bhardwaj, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

1. Learned counsel for the petitioner submits that the respondent-department has declined the benefit of increment to the petitioner on the basis of the instructions dated 03.04.2019 (Annexure P-4), despite the fact that the petitioner had rendered 12 months service before he retired.

2. Learned counsel for the petitioner submits that keeping in view the judgment of the Hon'ble Supreme Court of India in Civil Appeal No.2471 of 2023 titled as '*The Director (Admn. And HR) KPTCL and others v. C. P. Mundinamani and others*', decided on 11.04.2023, respondents are under obligation to consider the claim of the petitioner once again.

3. Learned counsel for the petitioner further submits that after the judgment passed by the Hon'ble Supreme Court of India in *C. P. Mundinamani's case (Supra)*, the petitioner has already submitted a legal notice dated 28.06.2023 (Annexure P-6) but the same is still pending consideration with the respondents and the petitioners will be

satisfied, at this stage, in case a direction is issued to the respondents to decide the same by passing an appropriate speaking order in a time bound manner.

- 4. Notice of motion.
- 5. On the asking of the Court, Mr. Harish Rathee, Sr. DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and submits that in case, the Legal Notice dated 28.06.2023 (Annexure P-6) has been received in the office of the concerned authorities and the same is still pending consideration with the authorities concerned, the same will be decided by the competent authority keeping in view the law laid down by the Hon’ble Supreme Court of India in *C. P. Mundinamani’s case (Supra)*, within a period of **eight weeks** of the receipt of certified copy of this order by passing an appropriate speaking order and in case, after the decision, the petitioners are found entitled for any benefit, the same will be extended to them within a further period of **four weeks**.
- 6. Learned Senior counsel for the petitioners submits that keeping in view the statement of learned State counsel, the present petition may kindly be disposed of having been not pressed any further.
- 7. Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

28.11.2023
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Whether reasoned/speaking?	Yes/ No
Whether reportable?	Yes /No