

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-2036-2023 (O&M)
Date of decision: 15.12.2023

State of Punjab and others

...Appellants

Vs.

Yash Paul Sharma

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Ms. Anu Pal, Senior DAG, Punjab,
for the appellants.

Ritu Bahri, Acting Chief Justice

CM-5093-LPA-2023

1. For the reasons mentioned in the application, same is allowed and delay of 175 days in filing of the appeal is condoned.

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2. The instant appeal, under Clause X of the Letters Patent Appeal, is against the judgment dated 24.05.2023 passed by the learned Single Judge of this Court, whereby petition (CWP-18104-2020) filed by petitioner-respondent challenging the order/letter dated 04.09.2020 rejecting his claim for grant of increment, has been allowed.

3. While allowing the aforesaid petition, learned Single Judge has referred to the recent judgment passed by Hon'ble the Supreme Court in

The Director (Admn. and HR) KPTCL and others vs. C.P. Mundinamani

and others, 2023 SCC OnLine SC 401, wherein it has been held that an employee is entitled to the annual increment, if he retires one day before the date of earning the increment.

4. Learned counsel for the appellant-State has not been able to cite any case law showing that the petitioner-respondent is not entitled to the increment.

5. After going through the contents of appeal as well as the impugned judgment, this Court is of the view that the learned Single Judge has rightly allowed the petition filed by the petitioner-respondent and directed the appellant-State to release all the consequential relief in his favour within a period of eight weeks. Hence, no ground is made out to interfere in the well reasoned judgment passed by learned Single Judge.

6. Resultantly, finding no merits, present appeal stands dismissed. Since, the main appeal has been dismissed, all the pending misc. applications stand disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

15.12.2023
ajp

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No