

CWP-28941-2023

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. 2023:PHHC:164880

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

121

CWP-28941-2023

Date of Decision :-21.12.2023

Sajjan Singh Goyat and another

..Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunil Kumar Bhardwaj, Advocate for the petitioners.

Mr. Pankaj Middha, Addl. A.G. Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. Learned counsel for the petitioners submits that in the present petition, the claim of the petitioners for the grant of benefit of one increment on completion of 12 months of service prior to the date of retirement was wrongly rejected by the respondents while passing order dated 13.12.2019 (Annexure P/6) qua the petitioner No.1 whereas, qua petitioner No.2 no such benefit has been extended.

2. Learned counsel for the petitioners submits that the question of law as raised in the present petition has already been decided by the 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. Mundingamani & Others decided on 11.04.2023**, wherein it has been held that an employee who had completed 12 months of service prior to the date of retirement is entitled for the grant of benefit of increment even if the same is to be granted on the next date of retirement hence, the respondents are under an obligation

to reconsider the claim of the petitioners for the grant of benefit of one increment so as to fix the salary of the petitioners for the purpose of pension and pensionary benefits.

3. Notice of motion.

4. Mr. Pankaj Middha, Addl. A.G. Haryana accepts notice on behalf of the respondent-State and submits that claim of the petitioners will be reconsidered in light of the judgment of the Hon'ble Supreme Court of India in *C.P. Mundinamani (supra)* and an appropriate order, as to whether the petitioners are entitled for the grant of benefit of one increment on completion of 12 months service prior to their retirement or not, will be passed within a period of 08 weeks from the date of receipt of copy of this order and in case after the decision, the petitioners are found entitled for the said benefit, the same will be extended to them within a period of further 04 weeks.

5. Learned counsel for the petitioners submits that keeping in view the statement of the learned counsel for the respondents, present petition may kindly be disposed of having been not pressed any further.

6. Ordered accordingly.

7. It may be noticed that in case petitioners are found entitled for the benefit as claimed, the arrears will be restricted to 38 months prior to the filing of the present petition.

December 21, 2023

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No