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CWP-5668-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

128 CM-8894-CWP-2024 in/&
CWP-5668-2024
Date of Decision :27.05.2024

Vijay Kumar and others ...Petitioners

Versus

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Umesh Narang, Advocate for the petitioners.

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Harsimran Singh Sethi, J. (Oral)

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Present application has been filed for preponing the date of hearing in the main writ petition, which is fixed for 09.09.2024.

Notice of the application to the counsel opposite.

Mr. Harish Nain, AAG, Haryana accepts notice on behalf of the respondent-State and raises no objection for the grant of prayer as made in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, application is allowed. Hearing of main writ petition is preponed from 09.09.2024 to today and case is taken up for hearing.



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In the present petition, the grievance being raised by the petitioners is that the petitioners are entitled for the grant of benefit of one increment as they had completed 12 months of service before they retired from service keeping in view the judgment of 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. Mundinamani and others decided on 11.04.2023.

Learned counsel for the petitioners further submits that not only this, the said benefit has already been extended to the similarly situated employees by the respondents vide order dated 07.02.2024 (Annexure P/4) and hence, the petitioners are also entitled for the grant of benefit of one increment before their superannuation.

Learned counsel for the petitioners submits that the petitioners have already raised the said grievance before the respondents by way of serving a legal notice dated 18.01.2024 (Annexure P/5), which is still pending consideration and the petitioners will be satisfied at this stage, in case, a time bound direction be issued to the respondents to decide the said legal notice.

Notice of motion.

Mr. Harish Nain, AAG, Haryana, accepts notice on behalf of the respondents and submits that in case, the legal notice dated 18.01.2024 (Annexure P/5) has been received from the petitioners and is still pending consideration with the authorities concerned, the same will be decided in



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accordance with law and an appropriate speaking order will be passed within a period of 08 weeks from the date of receipt of certified copy of this order and in case, it is found feasible to grant the relief to the petitioners, the same will be extended to them otherwise, due reasons for not accepting the claim of the petitioners will be mentioned in the speaking order so passed.

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.

Ordered accordingly.

May 27, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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