



CWP-8163-1999 (O&M)

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In the High Court of Punjab and Haryana at Chandigarh

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CWP-8163-1999 (O&M)

Date of Decision: July 25, 2024

Shangara Ram

.....Petitioner

VERSUS**The State of Punjab and others**

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashwani Chopra, Senior Advocate with
Ms. Gurpeet Kaur Bhatti, Advocate for the petitioner.

Mr. Swapan Shorey, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the grievance of the petitioner is that the pension of the petitioner as well as other pensionary benefits be fixed in accordance with law after granting him 2 increments upon completion of 8 and 18 years of service and, quash the charge-sheet, which were pending against the petitioner.

2. Learned Senior counsel appearing on behalf of the petitioner concedes the fact that after the filing of the writ petition, pensionary benefits have already been released to him. Learned Senior counsel submits that qua the grant of the pensionary benefits, the only claim survives is the interest on the delayed release of the pensionary benefits.

3. On being asked to point out as to whether the interest has been claimed in the relief clause in the petition, the learned Senior counsel very fairly submits that as no such claim has been raised, the claim for the grant of the interest be disposed of having been not pressed.

4. Ordered accordingly.

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5. Learned Senior counsel submits that the petitioner was entitled for the grant of increment upon competition of 08 and 18 years of service. Learned Senior counsel submits that the respondents have not granted the said benefit, despite the fact that the petitioner completed 08 years of service in the year 1983.

6. It may be noticed that grant of the benefit of increment on completion of 08 and 18 years of service was made admissible in the year 1983. Prior to the said date, the petitioner was already facing departmental inquiry and, therefore, the benefit of increment on completion of 08 years and 18 years was not granted.

7. The benefit of 08 years and 18 years increment is only to be granted in case, an employee is eligible for promotion to the next higher rank but could not get the same due to paucity of the promotional avenues, despite the fact that employee is fit for promotion in all respect. In the present case, the petitioner was facing disciplinary proceedings which remained pending against him upto his date of retirement and thereafter, in those disciplinary proceedings the petitioner was held guilty and hence, the grant of increment on competition of 08 and 18 years of service has rightly been not extended to the petitioner.

8. Hence, the claim for the grant of increment after 8 and 18 years of service is held not maintainable in the facts and circumstances of the present case.

9. The present petition stands dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

July 25, 2024

A. Kaundal

Whether speaking/ reasoned : Yes/No
Whether Reportable : Yes/No