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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(118)

CM-9121-CWP-2024 in
CWP-6163-2023
Date of decision: - 30.05.2024

Harbhajan Singh and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ritesh Aggarwal, Advocate, for the petitioner.

Mr. TPS Walia, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

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1. This is an application under Section 151 CPC for seeking revival/listing of the above-mentioned writ petition.

2. For the reasons stated in the application, the same is allowed.

Accordingly, the main case is revived and is taken up for hearing.

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1. Present writ petition has been filed under Article 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents to grant to the petitioners one notional increment for pensionary benefits on the completion of one full year of service, in view of the Division Bench judgment dated 15.09.2017 (Annexure P-2) rendered by the Hon'ble High Court of Judicature at

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Madras in Writ Petition No.15732 of 2017 titled as “**P. Ayyamperumal Vs. Central Administrative Tribunal, Madras Bench, Chennai and others**”, which has also been upheld by the Hon'ble Supreme Court of India on 23.07.2018 (Annexure P-3) in Special Leave Petition (Civil) No.22008 of 2018 against which the Review Petition (Civil) No.1731 of 2019 has also been dismissed by the Hon'ble Supreme Court of India on 08.08.2019 (Annexure P-4) and in view of the judgment dated 16.03.2022 (Annexure P-5) rendered by a Co-ordinate Bench of this Court in **CWP-32598 of 2019** titled as “**Baldev Singh and others Vs. State of Punjab and others**”,

2. Learned counsel for the petitioners has submitted that the case of the petitioners is squarely covered by the judgment dated 16.03.2022 (Annexure P-5) rendered by a Co-ordinate Bench of this Court in **CWP-32598 of 2019** titled as “**Baldev Singh and others Vs. State of Punjab and another**” along with other connected matters, and the said judgment has been upheld by the Division Bench of this Court, vide judgment dated 09.04.2024 in **LPA No.696 of 2022** titled as “**The State of Punjab and another Vs. Malagar Singh**”. It is submitted that with respect to the same, the petitioners had given a legal notice dated 21.12.2022 (Annexure P-7) and at this stage, the petitioners would be satisfied, in case, competent authority of respondent No.1-State considers the same, in accordance with law, after taking into consideration the above-said judgments, which squarely covers the case of the petitioners, within a specified time frame and in case, the pleas raised by the

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petitioners are found to be meritorious, then, grant the appropriate relief to the petitioners.

3. Learned counsel appearing for the respondents-State has submitted that competent authority of respondent No.1-State would consider the said legal notice dated 21.12.2022 (Annexure P-7), filed by the petitioners, in accordance with law and the same would be done within a period of eight weeks from the date of certified copy of this order.

4. Keeping in view the above-said facts and circumstances, the present petition is disposed of, with a direction to competent authority of respondent No.1-State to consider the legal notice dated 21.12.2022 (Annexure P-7) filed by the petitioners within a period of eight weeks from the date of receipt of the certified copy of this order and in case, competent authority of respondent No.1-State is of the view that the pleas raised by the petitioners are meritorious, then, the appropriate relief be granted to the petitioners, as expeditiously as possible. In case, competent authority of respondent No.1-State is of the view that the pleas raised by the petitioners are meritless, then, a speaking order rejecting the claim be passed within the aforesaid period of eight weeks.

5. It is made clear that while considering the said legal notice dated 21.12.2022 (Annexure P-7) by the competent authority of respondent No.1-State, the law laid down by the Co-ordinate Bench of this Court in ***CWP-32598 of 2019*** titled as “***Baldev Singh and others Vs. State of Punjab and another***”, along with other connected matters,

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decided on 16.03.2022 (Annexure P-5) as well as by the Division Bench of this Court, vide judgment dated 09.04.2024 in *LPA No.696 of 2022* titled as “The State of Punjab and another Vs. Malagar Singh” be considered.

6. It is further made clear that this Court has not opined on the merits of the case and competent authority of respondent No.1-State would consider and decide the matter independently, in accordance with law.

May 30, 2024
naresh.k

(VIKAS BAHL)
JUDGE

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