

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision : 11-07-2024

.....Petitioner(s)

VERSUS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Mr. Amarpreet Singh Bains, AAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

Learned counsel for the petitioners submit that keeping in view the judgment of the Hon'ble Supreme Court of India in Civil Appeal No.2471 of 2023 (@ SLP (C) No. 6185 of 2020) dated 11.04.2023 titled as ***“The Director (Administrative and HR) KPTCL and Ors. Vs. C.P, Munidnamani and Ors.”***, it has been held that once an employee has completed 12 months of service before retirement, he/she is entitled for increment even if, the same excludes the next date of the retirement.

Learned counsel for the petitioners further submit that keeping in view the said judgment, State of Punjab has already issued instructions dated 10.07.2024 for the implementation of the judgment of this

Court in LPA No.696 of 2020 titled as “*State of Punjab and anr. Vs. Malagar Singh*” for the grant of notional annual increment and therefore, the respondents are under obligation to grant the petitioners the benefit of one increment as all of them have completed 12 months of service before retirement and the respondents are liable to be directed to recalculate the pensionary benefits of the petitioners.

Learned counsel for the petitioners further submit that the grievance being raised in the present petition has already been raised in the legal notice dated 21.02.2024, copy of which has been appended as Annexure P-3 and the petitioners would be satisfied at this stage, if the same is decided by passing appropriate speaking order.

Notice of motion.

Mr. Amarpreet Singh Bains, AAG Punjab appears and accepts notice on behalf of the respondent-State and submits that the legal notice dated 21.02.2024, appended in Annexure P-3 will be decided by the competent authority by keeping in mind the judgment of the Hon’ble Supreme Court of Court as well as instructions issued by the Government of Punjab dated 10.07.2024 within a period of eight weeks from the date of receipt of certified copy of the order by passing an appropriate speaking order. Learned counsel further submits that in case, it is found feasible to accept the claim of the petitioners, the same will be accepted, otherwise due reasons will be mentioned for not accepting the claim of the petitioners in the speaking order to be passed which will be conveyed to the petitioners.

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

Ordered accordingly.

11-07-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking : YES/NO
Whether reportable : YES/NO