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AT CHANDIGARH

CWP-15735-2024

Date of Decision : July 12, 2024

.. Petitioner

Versus

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Risham Raag Singh, Advocate, for the petitioner.

Mr. Amar Preet Singh, Assistant Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Learned counsel for the petitioner 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."***, 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.

2. Learned counsel for the petitioner further submits that keeping in view the said judgment, the State of Punjab has already issued instructions dated 10.07.2024 for the implementation of the judgment of

RAM This Court in *LPA No.696 of 2022* titled as “*State of Punjab and anr. Vs.*

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Malagar Singh” for the grant of notional annual increment and therefore, the respondents are under obligation to grant the petitioner the benefit of one increment as he has completed 12 months of service before retirement as the respondents are liable to be directed to recalculate the pensionary benefits of the petitioner.

3. Learned counsel for the petitioner further submit that the grievance being raised in the present petition has already been raised by the petitioner in the legal notice dated 30.04.2024, copy of which has been appended as Annexure P-6 and the petitioner will be satisfied at this stage in case a time bound direction is issued to the respondents to decide the said legal notice by passing an appropriate speaking order.

4. Notice of motion.

5. Mr. Amar Preet Singh, learned Assistant Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and submits that in case, the legal notice dated 30.04.2024 (Annexure P-6) has been received in the office of the concerned authorities and is still pending consideration with the authorities concerned, the same 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 petitioner, the same will be accepted, otherwise due reasons will be mentioned for not accepting the claim of the petitioner in the speaking order to be passed which will be



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conveyed to the petitioner.

6. Learned counsel for the petitioner submits 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.

7. Ordered accordingly.

July 12, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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