



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(115)

CWP No. 15873 of 2024
Date of Decision : 15.07.2024

Harkewal Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amit Kaith, Advocate for the petitioner.
Mr. Satnam Preet Singh, Deputy 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.***", wherein 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, hence, the petitioner is also entitled for the benefit of increment w.e.f. 01.02.2020 along with revised pensionary benefits.
2. Learned counsel for the petitioner 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, hence, the respondents are under obligation to grant the petitioner the benefit of one increment as he has completed 12 months of service before retirement and 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 in the legal notice dated 09.05.2024, copy of which has been appended as Annexure P-6 and the petitioner would be satisfied at this stage, if the said legal notice is decided by the respondents by passing appropriate speaking order.

4. Notice of motion.

5. On the asking of the Court, Mr. Satnam Preet Singh, learned Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and submits that, the legal notice dated 09.05.2024 (Annexure P-6) 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 this order by passing an appropriate speaking order. Learned State 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 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 15, 2024
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

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