

Neutral Citation No: 2024.PHHC.091637
CWP-16499-2024



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-16499-2024
Decided on: 19.07.2024

Gurjant Singh

.....Petitioner

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Ms. Gitanjali Chhabra, Advocate for the petitioner.

Mr. Aman Dhir, D.A.G., Haryana.

SANJAY VASHISTH, J.(Oral)

1. Petitioner-Gurjant Singh, aged 60 years, has filed the instant writ petition for granting him one notional increment for the period he served in the police department and became entitled to one notional increment after completion of one year service of the petitioner and after giving the benefit of notional increment his pension be also revised.

2. The pleaded case of the petitioner is that he was appointed in the Police Department on 02.12.1989 and retired on 28.02.2022 after attaining the age of superannuation. Before the date of his retirement, he was granted one annual increment on 01.03.2021. This way on 01.03.2022 (just after one year), he was entitled to another annual increment, when he retired as Assistant Sub Inspector-ASI. However, on completing the age of superannuation, the petitioner retired on



28.02.2022. Thus, he claims that on next date i.e. 01.03.2022 he was entitled to another annual increment.

3. Ms. Gitanjali Chhabra, Advocate representing the petitioner submits that the petitioner is entitled to one notional increment on completion of one year of service, and said increment is required to be counted towards pensionary benefit also. She relies upon the judgment dated 16.03.2022, passed by this Court (Punjab and Haryana High Court) in CWP-32598 of 2019, '*Gurudev Singh and another Vs. State of Punjab and another*', also the judgment dated 11.04.2023 of Hon'ble Apex judgment, passed in Civil Appeal No.2471 of 2023 @ SLP(C) No.6185 of 2020, titled as, '*The Director (Admn. And HR) KPTCL and Ors Vs. C.P. Mundinamani and Ors*'. Learned counsel for the petitioner further submits that for the claim raised in the present writ petition, already one representation dated 11.11.2023(Annexure P-2) has been submitted by him for grant of notional increment and said representation has been addressed to the Senior Superintendent of Police, Sangrur (Respondent No.4). Despite, submission of the representation, no decision has been taken and therefore, the petitioner is suffering financial loss, by receiving a lesser amount of pension.

4. Learned counsel for the petitioner also submits that the interest of the petitioner would be secured and satisfied at this stage, in case the writ petition is disposed of by issuing directions to the respondents



to decide the representation dated 11.11.2023 (Annexure P-2) in a time bound matter.

5. On the other hand, Mr. Aman Dhir, DAG, Punjab, representing the respondents submits that the petitioner retired just one day before the day when he could be held entitled to the next increment, however, he expressed his inability to dispute the proposition of law as laid down by this Court as well as by Hon'ble Apex Court (supra).

6. Be that as it may, this Court deems it appropriate to dispose of the present writ petition by issuing the direction to the respondents to decide the representation dated 11.11.2023 (Annexure P-2) in a time-bound manner.

Accordingly, the present writ petition is disposed of with a direction to the respondents to take a final decision over the representation dated 11.11.2023 (Annexure P-2), already submitted by the petitioner.

While deciding the claim/representation of the petitioner, the judgments which have been referred and recorded hereabove shall also be taken into consideration to examine whether the ratio of law laid down in the referred judgments applies to the facts and circumstances of the case of the petitioner or not.

Let the representation be decided within a period of eight weeks from today by passing a speaking order and in case there is any request of the petitioner for granting him a personal hearing, the same



be also afforded to him before the final decision over the representation (Annexure P-2) and after passing of the final speaking order, same be informed to the petitioner without any delay.

7. It is also clarified that in case the representation is required to be examined by any other Authority for any meaningful purpose, the office of respondent No.4 would forward a copy of the representation to such concerned office without causing any unnecessary delay.

8. Needless to say, in case the petitioner is found entitled to the claimed relief of increment, the same be granted/extended to him without any unnecessary delay.

19.07.2024
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[SANJAY VASHISTH]
JUDGE

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no