



CWP-19437-2024

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

CWP-19437-2024

Date of Decision: 12.08.2024

Sham Sunder & Ors.

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Deepak Girotra, Advocate
for the petitioners.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to grant one notional annual increment to the petitioners, who were entitled for the same from 1st July of the respective year and retired prior to 1st July of the respective year and had completed more than six months of service, have not been granted the annual increment and also to direct the respondents to grant one notional increment on proportionate basis and thereupon revise/refix the pension along with all the consequential benefits.

2. Learned counsel for the petitioners submitted that the petitioners were working in the respondent-Nigam and now they have got retired. The grievance of the petitioners is that they were not granted one

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notional annual increment on proportionate basis on account of the fact that they were not in service on 1st July of the respective year due to their retirement and submitted that the petitioners were entitled for the same as per the law. He further submitted that a legal notice was issued by the petitioners to the respondent-Nigam on 08.05.2024 vide Annexure P-13, but neither the legal notice has been replied to nor any action has been taken in this regard. He submitted that at this stage, the petitioners will be satisfied in case the legal notice (Annexure P-13) issued by them to the respondent-Nigam is directed to be decided by passing of a speaking order in accordance with law and in a time bound manner.

3. Notice of motion.

4. On the asking of the Court, Ms. Rajni Gupta, Additional Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents and stated that she has no objection, in case, a direction is issued to the respondents for considering and deciding the legal notice issued by the petitioners vide Annexure P-13 in accordance with law and within a fixed time frame.

5. In view of the aforesaid position, without calling for any reply from the respondents and without observing anything on the merits of the case, the present petition is disposed of with a direction to respondent No.2 to consider and decide the legal notice issued by the petitioners vide Annexure P-13 dated 08.05.2024 strictly in accordance with law by passing a well-reasoned speaking order within a period of three months from today.

6. It is further directed that in case the petitioners are found to be

entitled for the aforesaid benefit, then the same shall be paid to them within a period of three months from the date of passing of the aforesaid speaking order.

12.08.2024

(JASGURPREET SINGH PURI)

Bhumika

JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No