



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.118

CWP-23258-2024
Date of Decision: 13.09.2024

Bharpai Devi
Versus
State of Haryana and others

.... Petitioner
... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Sunil Kumar Bhardwaj, Advocate for the petitioner.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to re-fix the petitioner's pension by granting her benefit of annual increment in the last year of retirement.

2. Learned counsel for the petitioner contends that the petitioner had completed one year satisfactory service prior to her retirement, and became entitled to one annual increment on that basis. The law in this regard stands settled by the Supreme Court in *The Director (Admn. and HR) KPTCL and others v. C.P.Mundinamani and others*, 2023 SCC Online SC 401. Still, the petitioner's claim has not been considered, nor has her legal notice, dated 05.09.2024, Annexure P-4, been decided so far.

3. Notice of motion.

4. Ms. Tanushree Gupta, Deputy Advocate General, Haryana, accepts notice and submits that the pending legal notice, dated 05.09.2024, will be decided by respondent no.2-Director General, Department of Elementary Education, by passing a speaking order thereupon within three months, keeping in view the law laid down in *C.P.Mundinamani* case

(*supra*), as well as the directions issued by the Supreme Court vide interim



order, dated 06.09.2024, passed in SLP (C) No.4722 of 2021, that, ‘*The judgment dated 11.04.2023 will be given effect to in case of third parties from the date of the judgment, that is, the pension by taking into account one increment will be payable on and after 01.05.2023. Enhanced pension for the period prior to 31.04.2023 will not be paid*’.

5. In view of the statement made, learned counsel for the petitioner has no objection to the petition being disposed of in terms thereof.
6. Ordered accordingly.

(TRIBHUVAN DAHIYA)
JUDGE

13.09.2024
Maninder

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No