



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.107

CWP-24439-2024

Date of Decision: 05.12.2024

Bimla Devi

.... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Devender S. Punia, Advocate for the petitioner.

Mr. Ravinder Singh Budhwar, Addl. A.G. Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

Learned State counsel, on instructions, contends that the petitioner's prayer for treating the period of her husband's service from 10.08.2017 to 31.07.2018 as duty period has not been considered by the Department so far since no application for the purpose has been received, nor has the benefit of LTC for the Block Year 2016-19 been claimed from the Department on his behalf.

2. He further contends that the second prayer for grant of benefit of 3rd ACP has already been accepted, as the benefit has been ordered to be released to the petitioner's husband with effect from 01.07.2017. He superannuated from service with effect from 30.06.2019, and the increment due to him prior thereto on 01.07.2018 has been sanctioned.

3. He also contends that benefit of increment due on 01.07.2019 on completion of one year service prior to retirement will be sanctioned in terms of the law laid down in *The Director (Admn. and HR) KPTCL and others v. C.P.Mundinamani and others*, 2023 SCC Online SC 401, 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 30.04.2023 will not be paid’*, and arrears of salary as well as revised pensionary benefits on the basis of increments will be given within four weeks.

4. He further contends that the petitioner can make a representation before the second respondent/Director General, Elementary Education, within two weeks from today regarding the remaining claims of salary from 10.08.2017 to 31.07.2018, and LTC for the Block Year 2016-19, which will be decided by passing a speaking order in accordance with law within four weeks of receiving the representation.

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

05.12.2024
Maninder

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