

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.133

CWP-24889-2024
Date of Decision: 26.09.2024

Jai Parkash and others
Versus
State of Haryana and others
.... Petitioners
... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Vikram Sheoran, Advocate for the petitioners

TRIBHUVAN DAHIYA, J. (ORAL)

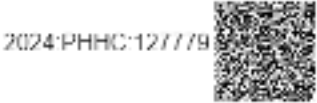
The petition has been filed seeking a writ of *mandamus* directing the respondents to re-fix the petitioners' pension by granting them benefit of annual increment in the last year of retirement.

2. Learned counsel for the petitioners contends that the petitioners had completed one year satisfactory service prior to their 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 petitioners' claim has not been considered, nor has their legal notice, dated 12.06.2024, Annexure P-1, been decided so far.

3. Notice of motion.

4. Ms. Tanushree Gupta, DAG, Haryana, accepts notice on behalf of the respondents and submits that the pending legal notice, dated 12.06.2024, will be decided by respondent no.4-Director Education Department, 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 30.04.2023 will not be paid*’.

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

6. Ordered accordingly.

(TRIBHUVAN DAHIYA)
JUDGE

26.09.2024
Payal

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