

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No. 496 of 2020

Decided on: 28.04.2023

Surjit Singh

...Petitioner

Versus

State of H. P. & Ors.

...Respondents

Coram:

Hon'ble Mr. Justice Tarlok Singh Chauhan, Acting Chief Justice.

Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting? ¹ No

For the Petitioners : Mr. Subhash Sharma, Advocate.

For the Respondents : Mr. Anup Rattan, A. G. with Mr. Y. W. Chauhan, Sr. Addl. A.G., Mr. Ramakant Sharma, Ms. Sharmila Patial, Addl. A.Gs., Ms. Priyanka Chauhan, Dy. A.G. and Mr. Rajat Chaun, Law Officer, for respondents-State.

Mr. Shashi Shirshoo, Central Government Copunsel, for respondent No. 5.

Tarlok Singh Chauhan, A.C.J. (Oral)

The instant petition has been filed for the grant of following substantive relief:-

- i) That a writ in the nature of mandamus directing the respondent department to give one notional increment for the period from 01.10.2018 to 30.09.2019 for the purpose of pensionary benefits.

¹ Whether reporters of the local papers may be allowed to see the judgment? yes

2. Prima-facie, the issue raised in this petition is no longer *res-integra* in view of the authoritative pronouncement by the Hon'ble Supreme Court in ***Civil Appeal No.2471 of 2023 @ SLP (C) No.6185/2020, titled as The Director (Admn. And HR) KPTCL & Ors. Versus C.P. Mundinamani & Ors.***, decided on April 11, 2023, where the Hon'ble Supreme Court has unequivocally held that the Government employees cannot be denied the annual increment merely because they are to retire on the very next day of earning the increment and on the contrary the view as taken by this Court in ***CWP No.2503 of 2016, titled as Hari Prakash Versus State of Himachal Pradesh and Ors.***, decided on 06.11.2020 as also the view taken by various High Courts has not been approved by the Hon'ble Supreme Court.

3. Therefore, in such circumstances, the present petition is disposed of by directing the respondents to treat the instant petition as a representation on behalf of the petitioner and thereafter consider and decide the case of the petitioner in light of the judgment of the Hon'ble Supreme Court in ***Civil Appeal No.2471 of 2023 @ SLP (C) No.6185/2020*** (supra) within a period of eight weeks from today.

4. Pending miscellaneous application(s), if any, shall also stand disposed of.

(Tarlok Singh Chauhan)
Acting Chief Justice

28th April, 2023
(sanjeev)

(Virender Singh)
Judge