
(2023) 08 SHI CK 0048
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 4067 Of 2023

Avtar Singh

APPELLANT

Vs

State Of H.P And Others

RESPONDENT

Date of Decision : 10-08-2023

Acts Referred:

Citation : (2023) 08 SHI CK 0048

Hon'ble Judges : Jyotsna Rewal Dua, J

Bench : Single Bench

Advocate : Prantap Sharma, Anup Rattan, . Y.P.S. Dhaulta, Seema Sharma, Sumit Sharma, Chitranjan Kumar Sharma

Final Decision : Disposed Of

Judgement

Jyotsna Rewal Dua, J

1. Notice. Mr. Y.P.S. Dhaulta, learned Additional Advocate General and Mr. Chitranjan Kumar Sharma, learned counsel, appear and waive service of notice on behalf of respondents No.1 to 4 and respondent No.5, respectively.

2. This writ 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 01.05.2021 to 30.04.2022 for the purpose of pensionary benefits."

3. It is the case of the petitioner that he was appointed as Police Constable in the respondent-Department and retired as Inspector on 30.04.2022 after attaining the age of superannuation. The benefit of annual increment earned for the services rendered by him from 1. 05.2021 to 30.04.2022 was not granted to the petitioner as he retired on 30.04.2022.

The issue raised in the petition has now been adjudicated by the Hon'ble Apex Court in Civil Appeal No.2471 of 2023 (Director (Admn. and HR) KPTCL and Others Versus C.P. Mundinamani and Others, decided on 11.04.2023, wherein, it

has been held that government employees are entitled to annual increment earned one day prior to the retirement.

4. In view of the aforesaid decision, the present petition is disposed of by directing the respondents to consider the case of the petitioner in accordance with law and in light of the aforesaid decision of the Hon'ble Apex Court in Director (Admn. and HR) KPTCL's case, supra, and pass appropriate orders within a period of six weeks from today. The decision so arrived at shall also be communicated to the petitioner.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.