

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.W.P. No.6976 of 1999 (O&M)
Date of Decision : 04.05.2015**

Bhagwan Dass-I

..... Petitioner

Versus

High Court of Punjab and Haryana, Chandigarh

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. J.N. Gupta, Advocate
for the petitioner.

Mr. Swarn Sandhir, Advocate
for the respondent.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

By this petition the petitioner has challenged the order dated 13.05.1999 rejecting the prayer for grant of two pre-mature increments to him.

On 25.03.2015 the following order was passed:-

“By this petition the petitioner seeks benefit of policy (Annexure R-1).

The petitioner was a Class-IV employee of this Court. By policy (Annexure R-1) it was decided that benefit of two pre-mature increments would be granted to those Class-IV

employees who had at least 4 Good (+B) reports in the six preceding years. The benefit of this policy was denied to the petitioner on account of the fact that in two years warnings had been issued to him. The precise grievance raised by learned counsel for the petitioner is that neither in the written statement nor even till date it has been stated that the petitioner did not have 4 entries of Good (+B) reports in the six preceding years.

Learned counsel for the respondent has accepted that this factual submission is not there and prays for a week's time to place on record the annual confidential reports of the petitioner for the six preceding years since December, 1989.

Adjourned to 01.04.2015 for the aforesaid purpose.”

Today the learned counsel for the respondent has, after perusal of the annual confidential reports for the six preceding years since December, 1989 has stated that the petitioner did in fact have four good entries. He has however pointed out that in the year 1990 the then Hon'ble Chief Justice had clarified that even if warning is not a penalty yet the person may also be ignored for the grant of pre-mature increments.

As per the learned counsel for the petitioner, this would not clinch the matter because similar warning had been given to other employees who had filed a writ petition bearing CWP No.4668 of 1993 titled as Baldev Singh Jaswal etc. vs. Punjab and Haryana High Court and that writ petition was allowed vide order dated 06.10.1997.

Learned counsel for the respondent is not in a position to deny that facts of the present are similar to that of the aforesaid writ petition. In fact even in the written statement the judgment in the case of Baldev Singh

Jaswal (supra) has not been denied. The only ground taken is that the present petition is barred by delay and latches. In this connection, the learned counsel for the petitioner has pointed out that the petitioner was a Class-IV employee and immediately after the decision was taken to grant two pre-mature increments he had filed the representation dated 20.07.1990 which was never decided. After the decision in Baldev Singh Jaswal's case (supra) he filed another representation claiming that now on the basis of the decision in the aforesaid case the benefit should also be granted to him. Since that was also not decided he submitted reminder dated 10.08.1998 and it was only by order dated 01.09.1998 that his representation was rejected and therefore there was no delay in filing the present petition.

In my opinion, the arguments of the learned counsel for the petitioner are well merited. Once the representation of the petitioner was declined only in the year 1998 and the present writ petition filed in the month of May, 1999, the same cannot be held to be barred by delay and latches and the judgment passed in Baldev Singh Jaswal's case (supra) is fully applicable to the present case.

Resultantly, the petition is allowed. The respondent is directed to compute the benefit accruing to the petitioner on the basis of the judgment passed in Baldev Singh Jaswal's case (supra) and release the same to him within a period of three months from the date of receipt of a certified copy of this order, failing which, he would be entitled to claim the same with interest @ 8% per annum from the date/s the amount/s fell due till the date/s of payment.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

May 04, 2015

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**(AJAY TEWARI)
JUDGE**