
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.17020 of 2015

Date of decision: 18.8.2015

Dharampal Mehra

...Petitioner

Versus

State of Punjab and others

...Respondent

CORAM: MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Manish Dadwal, Advocate for the petitioner.

G.S.SANDHAWALIA, J, (Oral)

The prayer in the present writ petition is for directing the respondents to complete service record of the petitioner and then to make the payment of proficiency step-up on completion of 14 years of service w.e.f. 22.1.2007 and grant consequential benefits including the revision of pay scale.

The pleaded case of the petitioner is that he had joined the respondents as Ward Attendant in the year 1976 and was promoted as Clerk on 29.4.1980. Thereafter, he was promoted as Junior Assistant and was transferred to Government Dental College, Patiala where he remained till his superannuation i.e. 31.5.2014. He remained on extension for one year and the said term expired on 31.5.2015. An FIR had been registered against him under Sections 406, 409, 420, 465, 468, 471 IPC at Police Station Civil Lines, Patiala on 7.9.2005. He was suspended on 2.8.2005 and thereafter was reinstated on 22.1.2007. In view of the policy of Assured Career Progression Scheme he had to exercise option which he did so on 29.12.2006 (Annexure P/2) with effect from 1.11.2006. Respondent no.2 had written to the Principal on 10.9.2007 (Annexure P/3)

to take action on the said application. Various communications thereafter also took place for approving the proficiency step up of the petitioner and the proposal was also prepared for granting the same from 22.1.2007 and the pendency of the case was also mentioned in the said proposal. After retirement, representation dated 5.12.2014 (Annexure P/8) was made to respondent no.2 and thereafter on 13.4.2015 representation (Annexure P/11) was also submitted.

Respondent no.2 also called for the record on 28.4.2015 from respondent no.3. Thereafter, legal notice dated 6.7.2015(Annexure P/13) was also served but of no avail.

It is further pointed out that the petitioner has now been convicted in the said FIR and pursuing his remedy before the Court of competent jurisdiction.

Counsel for the petitioner submits that he would be satisfied if a direction is issued to respondent no.2 to consider and decide the said issue within a specified period since his retiral dues are also liable to be held up on account of pendency of matter.

Keeping in view the limited relief sought for and the fact that the issue is still pending consideration before the competent authority, this Court is of the opinion that the present petition can be disposed off on the limited issue of deciding the legal notice without calling for reply from the respondents.

Accordingly, without going into merits of the case and keeping in view the above controversy, a direction is issued to respondent no.2 to take a decision on the legal notice dated 6.7.2015 (Annexure P/13) sent by the petitioner within a period of two months from the date of receipt of a certified copy of this order. Needless to say that in case the relief is to be

denied to the petitioner then reasoned order be passed by the said respondent.

The writ petition stands disposed of accordingly.

August 18, 2015
Pka

(G.S.SANDHAWALIA)
Judge