

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

CWP No. 21216 of 2015
Date of decision: 05.10.2015

Balbir Singh and another

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Sunny Singla, Advocate,
for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

The petitioners seek relief of the benefit of 16/32 years service under the instructions dated 25.09.1998 (Annexure P-2) from the due dates in view of the judgments passed in CWP No. 6049 of 1997, Tipen Chand Sharma vs. State of Punjab and others decided on 06.05.1998; CWP No. 7642 of 2001, Shashi Kiran vs. State of Punjab and others decided on 28.11.2002 (Annexure P-4) and CWP No. 6135 of 2003, Varinder Pal vs. State of Punjab and others decided on 05.07.2005 (Annexure P-5) which have been denied to the petitioners on account of non-availing of promotion.

Admittedly, the said orders were passed way back on 30.10.2000 and 23.11.2000 and the petitioners are coming here after a period of almost 15 years.

Counsel submits that he would restrict his claim to a period of 38 months prior to the date of issuance of legal notice dated 22.08.2014 (Annexure P-12).

Keeping in view the concession given by the petitioners and in view of the fact that the petitioners have chosen not to agitate for their relief earlier, this writ petition is disposed of with a direction to respondent no. 2 to take into consideration the legal notice dated 22.08.2014 (Annexure P-12) for grant of due ACP benefits and decide the same within a period of 3 months from the date of receipt of certified copy of the order. If the petitioners are entitled to monetary relief, the same will be restricted to the period of 38 months prior to the date of serving of the demand notice and

also the benefit will be given only for the purpose of notional fixation. Needless to say that in case the relief is to be denied, the order should contain reasons.

05.10.2015
shivani

(G.S. SANDHAWALIA)
JUDGE