

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 24523 of 2015

Date of Decision: 26.11.2015

Surinder Kumar

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice G.S.Sandhawalia.

Present: Mr. Vipin Mahajan, Advocate
for the petitioner(s).

G.S.Sandhawalia, J.(Oral)

The petitioner seeks the benefit of proficiency step up with all consequential benefits along with interest at the rate of 12% per annum. Further prayer has been made that the decision be taken on the legal notice dated 17.9.2014 (Annexure P9).

It is the case of the petitioner that he is posted as a Chowkidar in the office of respondent No.3 and was appointed as such on 19.10.1982. The claim is based on the instructions dated 25.9.1998 (Annexure P5) and 3.11.2006 (Annexure P8). It is not disputed that the cause of action arose much prior in the year 1990 itself firstly. The claim, thus, raised is belated. Faced with the situation, learned counsel for the petitioner submits that he would be satisfied if the benefit is restricted to 38 months prior to the serving of the legal notice dated

17.9.2014 (Annexure P9) and the petitioner would be satisfied if a time bound decision is taken by the authorities.

Resultantly, keeping in view the above, this Court does not feel it necessary to call for the State to file its reply. The present writ petition is, accordingly, disposed of with a direction to respondent No.3 to decide the legal notice dated 17.9.2014 (Annexure P9), in accordance with law, by passing a speaking order within a period of four months from the date of receipt of a certified copy of this order. In case the petitioner is found entitled, the benefits will be restricted qua the arrears for a period of 38 months prior to the date of filing of the legal notice. The amount be paid within a period of two months thereafter. In case relief is to be denied, a speaking order be passed.

(G.S.Sandhawalia)
Judge

November 26, 2015

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