

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

Date of decision: 09.01.2015

CWP No. 358 of 2015

Mohinder Singh

---Petitioner

Versus

State of Punjab and others

----Respondents

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

Present: Mr. Sukhdev S. Kanwal, Advocate
for the petitioner.

HARINDER SINGH SIDHU, J. (ORAL)

The petitioner joined the respondent – Department as Assistant Lineman on 01.02.1985. On 05.10.2009, he was provisionally promoted as Lineman. He was given annual increments against the post of Assistant Lineman on 01.02.2010 and 01.02.2011. Thereafter, the petitioner was regularly promoted as Lineman on 29.11.2012. However, next annual increment was not released to him on the said post. He submitted a representation for release of the annual increment. When no decision thereon has been taken, he preferred CWP No. 896 of 2014.

In response to the notice of motion, the respondents stated that as per department's instructions, the employee was required to give his option within one month of his having been promoted to the higher post and the petitioner had not given any option, hence, no annual increment was given to him. The writ petition was disposed of with the observations that in view of the default of the petitioner to submit his option, no direction of any kind is warranted.

Thereafter, vide letter dated 18.03.2014 (Annexure P-6), the petitioner has submitted his option to the respondents and requested that his annual increment from the month of February, 2012 onwards be released. He had even served a legal notice dated 10.08.2014 (Annexure P-7).

In response to the legal notice (Annexure P-7) of the petitioner, the respondents have sent a reply (Annexure P-8) stating that earlier legal notice issued on behalf of the petitioner had been replied to and a copy thereof was sent.

Learned counsel for the petitioner contends that this reply suffers from a total non application of mind as earlier the petitioner had not submitted his option, whereas now his claim is required to be considered in the light of the option submitted.

Learned counsel for the petitioner states that at this stage, he would be satisfied, if a direction is issued to the respondents to decide the representation dated 10.08.2014 (Annexure P-7) on its merits taking note of the option submitted by him.

In view of the above, without commenting on the merits of the case this petition is disposed of with a direction to respondent No.3 to take a decision on the legal notice/ representation dated 10.08.2014 (Annexure P-7) submitted by the petitioner expeditiously, preferably within three months from the date of receipt of certified copy of this order.

09.01.2015
Atul

(HARINDER SINGH SIDHU)
JUDGE