

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

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**Civil Writ Petition No.5552 of 2015
Date of Decision:25.03.2015**

Ajit Singh and otherspetitioners

Versus

State of Punjab and othersrespondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.P.K.Goklaney, Advocate
for the petitioners

ARUN PALLI, J.(ORAL):-

A writ in the nature of mandamus is prayed for, directing the respondents to grant one pre-mature increment to the petitioners, in terms of the government instructions dated 16.06.1978 (Annexure P2), as the petitioners did not participate in the strike observed by the Punjab Government employees on 08.02.1978.

Learned counsel for the petitioners contends that on the relevant date, the petitioners were working on work charge basis, and, thus, their claim is covered by the decision of this Court in CWP No.21540 of 2010, titled as "Amarjit Singh Saini versus State of Punjab and others", decided on 02.08.2011 (Annexure P7).

It is maintained that prior to the institution of this petition, petitioners had even served upon the respondents a legal notice dated 11.12.2014 (Annexure P9), but the same has failed to evoke any response.

Learned counsel for the petitioners submits that, at

this stage, let this petition be disposed of with a direction to respondent No.2 to consider and decide the legal notice served by the petitioners, within a stipulated period of time.

Learned counsel for the petitioners has also drawn the attention of the Court, to an order dated 06.02.2013 (Annexure P8), passed by this Court in CWP No.2588 of 2013, vide which the writ petition preferred by similarly placed employees, was disposed of, with a direction to the respondents to consider and decide the claim of the petitioners therein, by passing a speaking order. Further, it was clarified that since the petitioners had approached the Court, after a considerable delay, in the eventuality, the petitioners are found entitled to the benefit of pre-mature increment, the authorities would consider the feasibility of fixing the pay notionally and the consequential arrears would be released only for a period of 38 months from the date of filing of the said petition.

That being so, and, without expressing any opinion on merits, the instant petition is disposed of with a direction to respondent No.2, to consider and decide the claim of the petitioners as set out in the legal notice dated 11.12.2014 (Annexure P9), strictly, in accordance with law, within a period of four months, from the date of receipt of the certified copy of this order. Concededly, even the petitioners in the matter in hand, have approached this Court, after an inordinate delay, and, in the eventuality, the petitioners are found entitled to the benefit being claimed, the respondent-authorities shall consider the feasibility of fixing their pay notionally and, consequently, arrears in this regard, would be confined to a

period of 38 months from the date of filing of the instant petition.

The petition stands disposed of.

25.03.2015
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(ARUN PALLI)
JUDGE