

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Writ Petition No. 8623 of 2015

DATE OF DECISION : May 04, 2015

Nirmal Singh

..... PETITIONER(S)

VERSUS

State of Punjab & ors.

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Raj Kaushik, Advocate, for the petitioner.

ARUN PALLI, J. (Oral)

A writ in the nature of mandamus is prayed for, so as to direct respondent No.3 to consider and decide the claim of the petitioner as set out in his legal notice dated 22.09.2014 (Annexure P-4) and release all the admissible benefits petitioner is entitled to.

It is averred that the petitioner was appointed as Clerk and was posted in the office of State Transport Commissioner, Punjab. Vide order dated 22.07.1992 (Annexure P-1), petitioner was awarded punishment of reduction to the lower time scale of pay and was brought to the minimum of time scale of pay of Clerk i.e. ₹ 950-1800 (with initial start of ₹ 1000/-). However, he was held eligible for the benefits of higher time scale, promotion, etc., on completion of five years period, in terms of his seniority

in the cadre of Clerk, without restoration of his original position. It is maintained that after the expiry of 5 years' period, petitioner repeatedly represented to the respondents to grant him increments and other consequential benefits. However, despite representations dated 18.01.2002 and 20.10.2009 (Annexures P-2 and P-3, respectively), no tangible result emerged. So much so, prior to the institution of this petition, respondent No.3 was even served upon a legal notice dated 22.09.2014 (Annexure P-4). And as a result, respondent No.3 i.e. State Transport Commissioner, Punjab, vide letter dated 28.11.2014 (Annexure P-5), wrote to respondent No.4 i.e. District Transport Officer, Ludhiana to respond to the legal notice served by the petitioner. But the petitioner continues to await the response.

Learned counsel for the petitioner submits that the inaction at the instance of respondents No.3 and 4, as regards consideration of his claim, is writ large on the face of the record. He submits that let this petition, at this stage, be disposed of with a direction to respondents No.3 and 4 to consider and decide the legal notice served by the petitioner within a specified time.

That being so, and without expressing any opinion on merits, this petition is disposed of with a direction to respondents No.3 and 4 to consider and decide the claim of the petitioner, as set out in his legal notice dated 22.09.2014 (Annexure P-4), strictly in accordance with law, within a period of two months from the receipt of certified copy of this order.

Needless to assert, a comprehensive order shall be passed, assigning reasons in support of the decision arrived at.

MAY 04, 2015
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(ARUN PALLI)
JUDGE