

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 1029 of 2016
Date of decision: 19.01.2016

Gian Chand Sharma

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. S.K. Rattan, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks the grant of higher grade of pay on account of possessing higher qualifications. Reliance has been placed upon judgment of the Apex Court in *State of Punjab and another vs. Narain Dass and others, 1999 SCC (L & S) 932* and instructions issued by the Government from time to time.

At the outset, counsel submits that there is no doubt that the petitioner retired on 30.10.2007 and during his period of service, he had not made any such representation for the claim of such benefit. Therefore, it is submitted that in case the benefit is to be granted, the same be restricted to a period of 38 months from the service of the legal notice dated 24.11.2015 (Annexure P-8). He further submits that he would be satisfied if a time bound decision is taken on the said legal notice.

Notice of motion.

Mr. Avinit Awasthi, AAG, Punjab accepts notice on behalf of the respondents. Copy of the writ petition has been supplied to him in

Court.

Keeping in view the limited relief sought, this Court is of the opinion that there is no need for the respondents to file reply.

Accordingly, without commenting on the merits of the case this writ petition is disposed of with a direction to respondent no. 2 to decide the legal notice dated 24.11.2015 (Annexure P-8) within a period of 3 months from the date of receipt of certified copy of the order. It is made clear that in case any relief is to be granted, the same will be restricted to a period of 38 months from the date of service of legal notice, as submitted by the counsel on account of delay and non-representation during his service tenure. Needless to say if the relief is to be denied, a reasoned order be passed and conveyed to the petitioner.

19.01.2016
shivani

(G.S. SANDHAWALIA)
JUDGE