

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 26740 of 2015 (O & M)

Date of decision: 25.01.2016

Raj Kumar

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. Sunny Singla, Advocate,
for the applicant-petitioner.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 393 of 2016

Application for placing on record Annexure P-9 is allowed,
subject to all just exceptions.

The same is taken on record.

CWP No. 26740 of 2015

The petitioner seeks the relief of grant of higher pay scale on account of acquiring the higher qualification on the ground that he had passed the Giani qualification before 19.02.1979. The relief claimed is on the basis of the judgment in ***Rajinder Kumari vs. State of Punjab, 1988 (4) SLR 297*** and as per Punjab Government instructions dated 22.06.2015 (Annexure P-6) and accordingly re-fixation of pay and pension and release of all consequential benefits is prayed for.

It is not disputed that the petitioner has retired on 30.04.2010 and the legal notice has been served only on 15.08.2015 (Annexure P-7) claiming benefit of circular dated 23.07.1957. Though the petitioner relies

upon the circular dated 22.06.2015 issued by the State Government to get over the plea of limitation but nothing could be shown to this Court that during the period of service petitioner made any such claim. Accordingly, counsel for the petitioner submits that he would be satisfied if the legal notice is decided within a time bound frame and the benefit, if any, is to be granted, the same be restricted to 38 months prior to the serving of the legal notice.

Notice of motion.

Mr. R.S. Sidhu, AAG, Punjab accepts notice. 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 15.08.2015 (Annexure P-7) within a period of 3 months from the date of receipt of certified copy of the order. The retiral benefits, if found due, be re-computed and paid within a period of two months thereafter keeping in view the above observation regarding limitation. Needless to say if the relief is to be denied, a reasoned order be passed and conveyed to the petitioner.

25.01.2016
shivani

(G.S. SANDHAWALIA)
JUDGE