

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

Sr. No.114

Civil Writ Petition No.27658 of 2017
DECIDED ON: December 05, 2017

UPKAR SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ranjit Saini, Advocate, for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of Certiorari/Mandamus quashing the action of the respondents in not considering and granting the claim of the petitioner to exercise fresh option w.e.f. 01.01.1992 instead of earlier option w.e.f. 01.01.1986 in terms of Punjab Government Instructions dated 24.01.2011 (P-5), dated 07.02.2011 (P-6) and 25.10.2012 (P-7) whereby the grant of benefit of change of option was generalized and it was decided to grant similar benefit in respect of all similar cases on the basis of instructions issued by the Government of Punjab with further directing the

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respondents to allow the petitioner to change his option for grant of revised pay scale as referred in the service record, keeping in view the changed circumstances created by the change in Master Scale vide Notification issued on 24.12.1992 (P-1) in respect of pay fixation of the petitioner as the said claim of the petitioner is covered in terms of the above instructions issued by the Government of Punjab and further to extend the benefit as granted to similarly situated employees in CWP No.7464 of 2009, ***Surinder Kumar & ors. vs. State of Punjab & ors.*** decided on 25.02.2010 (P-3) and CWP No.21889 of 2010, ***Darshan Singh vs. State of Punjab & ors.*** decided on 25.02.2016 along with all consequential benefits accruing therefrom on account of his submission of fresh option i.e. re-fixation of pay, re-fixation of pension and other retirements benefits along with payment of arrears of salary/revised pensionary benefits with interest @ 18% per annum.

2. Learned counsel for the petitioner contends that though a representation dated May 09, 2016 (P-9 colly) was made to the respondents but till date neither any reply to the said representation has been received nor any final order has been passed by the concerned authority.

3. Learned counsel for the petitioner further submits that he feels satisfied in case a direction is issued to respondent No.2 to decide the aforesaid representation in a time bound manner.

4. Without commenting upon the merits of the case, instant petition is disposed of with a direction to respondent No.2 to look into the grievances unfolded by the petitioner in his representation dated May 09, 2016 (P-9 colly) and to take a conscious decision by passing a speaking order in the light of Instructions dated January 24, 2011 (P-5), dated February 07, 2011 (P-6), dated October 25, 2012 (P-7) and dated January

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13, 2017 (P-8) as well as judgments mentioned in para no.1 of this order, within a period of three months from the date of receipt of a certified copy of this order.

5. However, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority, he shall be at liberty to approach this Court.

December 05, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned	Yes
Whether reportable	Yes/No