

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

CWP No. 3813 of 2017

Date of Decision: 28.02.2017

MOHINDER SINGH

... Petitioner

V/s.

UTTAR HARYANA BIJLI VITRAN NIGAM LTD. AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. J.K. Goel, Advocate,
for the petitioner.

KULDIP SINGH, J. (Oral)

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India seeking issuance of writ in the nature of mandamus for directing the respondents to refix the salary of the petitioner in the same pay scale as was being given to one Dhanpat Singh Dahiya, refix the pension and pensionary benefits by taking into consideration the last pay drawn and also refix the pension @ 50% of the last pay drawn salary of the petitioner alongwith interest.

Learned counsel for the petitioner has contended that in the previous litigation, it was held that he is entitled to the pay at par with his junior Dhanpat Singh Dahiya. It was further observed by this Court vide order dated 03.10.2016 passed in CWP No. 16983 of 2015 that in case, the petitioner has any grievance qua the cause of action and the impugned order, he is free to seek legal redress. With the result thereof, present petition has been filed by the petitioner. It is stated that his pay has not been fixed at par with his junior

CWP No. 3813 of 2017

Dhanpat Singh Dahiya nor his pension has been refixed @ 50% of the last drawn salary of the petitioner.

It comes out that the petitioner has served a legal notice dated 26.10.2016 (*Annexure P-3*) upon the respondents. Now, the short prayer of the petitioner is that respondent No. 2 may be directed to decide the aforesaid legal notice of the petitioner within a specific time frame.

In the circumstances, without issuing notice to the respondents, the present writ petition is disposed of with a direction to respondent No. 2 to consider and decide the aforementioned legal notice dated 26.10.2016 (*Annexure P-3*) of the petitioner by passing a speaking order meeting every contention raised in the said legal notice, within a period of two months from the date of receipt of certified copy of this order. If it is found that the petitioner is entitled for the relief as claimed in the legal notice, needless to say that the same shall be released to him forthwith.

February 28, 2017

Suresh Kumar

**(KULDIP SINGH)
JUDGE**

Whether speaking / reasoned :

✓
Yes / No
✓

Whether Reportable :

Yes / No