

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.25286 of 2014 (O&M)
Date of Decision: 26.07.2017

Ajmer Singh

--Petitioner

Versus

State of Punjab and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Mohinder Pal, Advocate for the petitioner.

Mr. Avinit Avasthi, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

Petitioner, who was serving on the post of Zileadar under the Irrigation Department, State of Punjab, retired on 28.2.2011 having attained the age of superannuation.

The instant petition was instituted on 9.12.2014 raising the following specific prayers:-

“(i) Summon the complete record of the case from the respondent authorities forthwith;

(ii) issue a writ in the nature of Certiorari for quashing of the order dated 19.12.1995 (Annexure P-1) vide which the petitioner was discriminated & ignored and his juniors got promoted;

AND/OR

(iii) issue a writ in the nature of mandamus directing the respondents to fix the revised pension along with arrears of pay and other consequential benefits as per scale of Zilladar w.e.f. 19.12.1995 i.e. from the date of promotion and scale granted to his next immediate junior and others.

(iv) issue a writ in the nature of mandamus directing the respondents to release the arrears of pay w.e.f. 19.12.1995 i.e. from the date from which juniors of the petitioner were

promoted and paid scales of Zilladar along with interest @ 12% p.a for the delayed period.

and as such the present order dated 19.12.1995 is not sustainable under law and liable to be quashed.”

The writ petition came up for preliminary hearing on 10.12.2014 before this Court and the following order was passed:-

“Learned counsel for the petitioner prays for time to place on record any assurance given to the petitioner in writing by the Department that he would be entitled to arrears since 1995. He would also show whether the bar of limitation, delay/laches has not come into operation against a claim of 1995.

Adjourned since die to do the needful.”

The matter having been posted for hearing today, counsel submits that he may be permitted to withdraw the petition with liberty to file a petition afresh but with better particulars.

Prayer is allowed.

Dismissed as withdrawn with the liberty, as prayed for.

It is, however, clarified that the liberty being granted would not be construed as regards condonation of any delay that has occurred on the part of the petitioner in agitating his grievance with regard to promotion/seniority. Further observed that in the eventuality of the petitioner preferring to invoke the extra ordinary writ jurisdiction a second time over, petitioner would still be obligated to satisfy the order passed by this Court dated 10.12.2014.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

26.07.2017

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No