

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

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CWP-14512-2018

Date of decision: 18.07.2018

Baru Ram

....Petitioner

Versus

State of Punjab & others

...Respondents

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

Present: Mr.Bhupinder Banga, Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Petitioner seeks setting aside orders dated 12.09.2006 (Annexure P-12) and 07.08.2006 (Annexure P-13) and 07.01.2008/ 14.01.2008 (Annexure P-14) and to restrain the respondents from withdrawing the special increments and retrenchment increment, as granted by the competent authorities.

On the face of it, the present petition is patently time-barred and there can be no dispute regarding this aspect but since the matter seems to be covered by the Division Bench judgment in LPA-1161-2009 titled *Tarlok Chand & others Vs. State of Punjab & others*, decided on 08.09.2010 (Annexure P-20), this Court considers that the representations filed by the petitioner can be taken into account by respondent No.3, Chief Engineer, Ranjit Sagar Dam Project. Even otherwise, the retiral benefits of the petitioner would be effected, therefore, it can be held that it is a case of recurring cause of action.

It is not disputed that the petitioner has retired on 31.05.1999 as a Time Clerk from the said Establishment. A decision was taken vide communication dated 12.09.2006 (Annexure P-12) for taking action regarding special increments granted to the work-charged employees.

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Respondent No.5, Accountant General (A&E) had addressed a communication dated 07.08.2006 (Annexure P-13) that the Project authorities were not competent to grant such special increments. Resultantly, vide communication dated 12.02.2008 (Annexure P-15), the pay of the petitioner was re-fixed after withdrawal of the special increments. On 11.08.2012 (Annexure P-18), a communication was addressed by the Executive Engineer regarding the payment of the increments and gratuity, as the increments of Rs.68,086/- was sought to be recovered.

The dispute, as such, of grant and stoppage of special increments was subject matter before the Single Bench which was partly allowed and which was taken up in appeal by the employees in **Tarlok Chand** (supra). Resultantly, the appeals were allowed and the orders passed by the official-respondents, withdrawing the benefits of special increments, was set aside. It is, in such circumstances, representation had been moved by the petitioner on 02.02.2018 (Annexure P-19) to respondents No.3 and 4 whereby it is prayed that gratuity and other consequential benefits be issued to him.

Notice of motion.

Mr.P.S.Bajwa, Addl.A.G., Punjab accepts notice on behalf of the State. Copy of the paperbook has been supplied to him.

Keeping in view the above, this Court does not feel it necessary to call upon the respondents to file reply, as admittedly, the decision making process on the representation dated 02.02.2018

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(Annexure P-19) has not been completed and it would only further delay the proceedings which are to be granted to a retired employee.

Accordingly, the present writ petition is disposed of, with a direction to respondent No.3 to decide the representation dated 02.02.2018 (Annexure P-19), within a period of 2 months from the receipt of the certified copy of this order. In case the amount is found due to the petitioner and covered by the judgment passed in **Tarlok Chand** (supra), same be released to the petitioner. However, it is made clear that on account of the delay in approaching for redressal of the grievances, the claim for interest, as such, will not be entertained by the said respondent. In case the matter is not covered, the said respondent shall pass a reasoned order and convey the same to the petitioner, forthwith.

18.07.2018
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No