

**CWP No. 266 of 2018
DECIDED ON: JANUARY 19, 2018**

JAGDISH KUMAR DUGGAL AND OTHERS

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM:HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Amrik Singh, Advocate
for the petitioners.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of mandamus, directing the respondents to step up the pay of the petitioners and to grant them all the consequential benefits like seniority, pay etc to bring it at par with their juniors who were promoted on 01.01.1994, 01.01.1997 and 01.01.1998 on the basis of accelerated promotion being from reserved category and since the petitioners who were senior to them have been promoted in the year 2010-2011 thus they have regained the seniority over and above their juniors in the feeder cadre.

2. Apparently, there is an inordinate delay on the part of the petitioner in approaching this Court by way of instant petition.

3. The contention of learned counsel for the petitioner is that the

respondents were requested time and again to release the benefits, which have been claimed through instant petition. Even, petitioners constrained to serve legal notice (P-6) but till date no action has been taken. No response to the legal notice (P-6) has also been received so far by the petitioners and the respondents- authorities are seized of the matter. The petitioners feel satisfied, in case, a direction is issued to respondent No.1 to deal with the legal notice (P-6) and to take conscious decision within some stipulated period.

4. Accordingly, instant petition is disposed of with a direction to respondent No.1 to look into the grievances unfolded by the petitioners in the legal notice (P-6), and to take a conscious decision in accordance with law, rules and regulations as well as instructions issued by the government from time to time, within a period of four months, from the date of receipt of certified copy of this order. However, in case the authorities come to the conclusion that petitioners are entitled to the relief(s) claimed by them through the instant petition, the same shall be released within next 45 days. Since apparently there is an inordinate delay or the claim is stale put forth by the petitioners. The claim of the petitioners shall stand restricted to 38 months in view of law laid down by Hon'ble Apex Court in the case of “*Saroj Kumari vs. State of Punjab and others*”, 1998 (3) SCT 664.

5. However, if the petitioners still feel aggrieved against the order passed by the concerned authority, they shall be at liberty to approach this Court.

JANUARY 19, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No