

CWP No.6331 of 2018

DECIDED ON: MARCH 14, 2018

MAHABIR SINGH

.....PETITIONER

VERSUS

UHBVNL AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. K.L. Dhingra, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondents to grant him improved 3rd ACP of ₹4000/- instead of unimproved ACP of ₹3600/- in view of improving notification of ACPs dated March 04, 2014 (P-1) issued by the Government of Haryana and also to equate him with his junior Krishan Kumar, who has already been granted the improved ACP of ₹4000/- and getting more pension than the petitioner.

2. The contention of learned counsel for the petitioner is that the case of the petitioner is squarely covered under the ratio of judgment of Hon'ble Apex Court passed in Civil Appeal No. 3250 of 2006, titled as **Commissioner and Secretary to Govt. of Haryana and others vs. Ram Sarup Ganda & others;** decided on August 02, 2006 (P-4) as well as judgment passed by this Court in CWP No. 25750 of 2013, titled as **Rajbir Singh vs. Uttar Haryana Bijli Vitran Nigam Limited and others;** decided on January 08, 2015 and instructions dated November 23, 2006 (P-2), March 05, 2007 (P-3) and

February 06, 2007 (P-3/A). He further submits that petitioner submitted various representations including representation dated August 04, 2016 (P-7) for the grant but despite the fact that a period of more than 1 ½ years has elapsed, no conscious decision has been taken by the authorities so far. Petitioner constrained to serve legal notice dated January 09, 2018 (P-8) upon the respondents, which also did not fetch any reply. He further submits that he feels satisfied in case a direction is issued to respondents to consider and decide the legal notice (P-8) within a time bound manner.

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondent No.1 to look into the grievances unfolded by the petitioner in the legal notice dated January 09, 2018 (P-8) in accordance with law, rules and regulations particularly in view of judgment of Hon'ble Apex Court passed in Civil Appeal No. 3250 of 2006, titled as Commissioner and Secretary to Govt. of Haryana and others vs. Ram Sarup Ganda & others; decided on August 02, 2006 (P-4) as well as judgment passed by this Court in CWP No. 25750 of 2013, titled as Rajbir Singh vs. Uttar Haryana Bijli Vitran Nigam Limited and others; decided on January 08, 2015 and instructions dated November 23, 2006 (P-2), March 05, 2007 (P-3) and February 06, 2007 (P-3/A), within a period of three months from the date of receipt of certified copy of this order.

4. In case petitioner still feels aggrieved by any order of the afore-said authority, he shall be at liberty to approach this Court.

MARCH 14, 2018

sham

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

(JASPAL SINGH)

JUDGE