

CWP No. 8898 of 2018
DECIDED ON: APRIL 16, 2018

SUKHDEV RAM SHARMA & ORS.

.....PETITIONERS

VERSUS

P.S.P.C.L AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Sonia G. Singh, Advocate
for the petitioners.

JASPAL SINGH, J.(Oral)

By virtue of the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioners have sought the issuance of a writ in the nature of Mandamus directing the respondents to grant them the benefit of 23 years promotional increment(s), in view of circular No. 17/90, dated 23.04.1990 (P-2) and finance circular No. 392 dated 28.07.2000 (P-3) in the interest of justice.

2. The contention of learned counsel for the petitioners is that the petitioners joined the respondent-Corporation as Assistant Linemen and Meter Readers and are entitled for the release of benefit of 23 years promotional increment but no such benefit was granted to them till date. The petitioners being aggrieved of the non-disbursal of the benefits of 23 years promotional increment were constrained to serve legal notice dated 20.01.2018 (P-7) upon

the respondents, but till date no response has been received. Learned counsel further submits that the petitioners feel satisfied in case a direction is given to respondents, to decide the afore-said legal notice, within a stipulated period.

3. Without expressing any opinion on merits of the case but considering the aforesaid aspects as has been unfolded by the learned counsel for the petitioners, instant petition is disposed of with a direction to respondents to look into the grievances unfolded by the petitioners in the legal notice dated January 20, 2018 (Annexure P-7) and to take a conscious decision within a period of four months from the date of receipt of certified copy of this order. Since, there is an inordinate delay on the part of the petitioners in approaching the court, the claim shall stand restricted to 38 months in view of law laid down by Hon'ble Apex Court in the case of “*Saroj Kumari v.State of Punjab and others*”, 1998 (3) SCT 664

4. However, in case, petitioners still feels aggrieved of the order passed by concerned authority, they shall be at liberty to have recourse to other remedies available to them under law including to approach this Court.

APRIL 16, 2018
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>