IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 146

Civil Writ Petition No.9414 of 2018
DECIDED ON: April 19, 2018

SUKHMANDER SINGH AND OTHERS

..PETITIONERS

VERSUS

PUNJAB STATE POWER CORPORATION LTD. AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr.Pawan Kumar Goklaney, Advocate, for the petitioners.

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JASPAL SINGH, J. (ORAL)

1. Through the instant civil writ 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 re-fix the pension of the petitioners as per Govt. circular dated August 17, 2009 (P-1), February 22, 2010 (P-2) and August 17, 2009 (P-3) on account of increase in pay scales/grade pay and revised pensionary benefits notionally epecially in view of judgment passed by this Court in CWP No.25733 of 2012, titled as ***A.P.Sharma and others Vs. State of Punjab and others,*** decided on October 22, 2013 (P-5).

2. Learned counsel for the petitioners has submitted that petitioners have served a legal notice dated January 8, 2018 (Annexure P-7) upon the respondents but despite that fact a period of more than two months have expired, no action has been taken by the authorities concerned. Moreover, petitioners also feel satisfied in case a direction is issued to respondent No.2 to decide the legal notice dated January 8, 2018 (Annexure

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P-7) within a stipulated period.

3. Accordingly, instant petition is disposed of with a direction to respondent No.2 to look into the grievances unfolded by the petitioners in their legal notice dated January 8, 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 in accordance with law by passing a speaking order; that too after hearing the petitioner and also keeping in view the judgment passed in CWP No. 25733 of 2012, titled as ***A.P. Sharma & others vs. State of Punjab & others,*** decided on October 22, 2013 (P-5). In case the authority comes to the conclusion that petitioners are entitled to the relief(s) claimed by them, the arrears thereof, shall stand restricted to a period of 38 months prior to the date of filing of instant writ petition, in view of Full Bench judgment passed by this Court in the case of ***Saroj Kumari vs. State of Punjab; 1998 (3) SCT 664***, as well as the judgment passed by this Court in CWP No. 18804 of 2017, titled as ***Dharamveer Maini & others vs. Punjab State Power Corporation Ltd. & others;*** decided on August 23, 2017. However, in case the petitioners still feel aggrieved of the order passed by the authorities concerned, they shall be at liberty to approach this Court.

19.04.2018 **(JASPAL SINGH)**
Anjal **JUDGE**

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

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