

121/A

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 9805 of 2018
DECIDED ON: APRIL 23, 2018

GURMIT SINGH

.....PETITIONER

VERSUS

PSPCL AND ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Kanwaljeet Singh, Advocate
for the petitioner.

JASPAL SINGH, J.(Oral)

By virtue of 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 grant him the benefit of 23 years promotional increment(s) w.e.f. 03.12.2002, in view of circular No. 17/90, dated 23.04.1990 amended from time to time and clarificatory circular/letter dated 26.02.2007 issued by the Government, with consequential refixation of pay and retiral benefits and also to release his arrears of revised pay along-with interest @ 12% p.a.

2. The contention of learned counsel for the petitioner is that the petitioner joined the respondent-Corporation as Telephon Mechanic on 12.04.1982 and he stood retired on attaining the age of superannuation on 30.06.2013. He is legally entitled for the release of benefit of 23 years

promotional increment but no such benefit was granted to him till date. The petitioner being aggrieved of the non-disbursal of the benefits of 23 years promotional increment was constrained to serve legal notice dated 16.03.2018 (P-6) upon the respondents, but till date no response has been received. Learned counsel for the petitioner further submits that the petitioner 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 petitioner, instant petition is disposed of with a direction to respondents to look into the grievances unfolded by the petitioners in the legal notice dated 16.03.2018 (Annexure P-6) 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 petitioner 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, petitioner still feels aggrieved of the order passed by concerned authority, he shall be at liberty to have recourse to other remedies available to him under law including to approach this Court.

APRIL 23, 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>