

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-32390-2018

Date of decision: - 18.12.2018

Ram Sarup and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Riti Aggarwal, Advocate
for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present case, the petitioners are seeking advance increment on account of attaining a higher qualification as per the letter dated 23.07.1957.

It has been averred in the petition that the petitioners got the higher qualification of B.A./F.A. in the year 1978 while they were in service and they have already retired from service starting from the year 2012 onwards. No valid justification has been given as to why the petitioners did not approach this Court for the grant of the relief when they were in service as the claim relates to the year 1978. Even after the retirement, petitioner No.3 has approached after a period of six years.

Counsel for the petitioner states that similarly situated persons have already been granted the relief by this Court.

Be that as it may, there is no valid justification for the delay which has been explained by the petitioners in the present writ petition.

Counsel for the petitioners further states that for the relief which has been sought in the present writ petition, the petitioners have served respondents with a legal notice on 20.10.2018 (Annexure P-6), which is still pending consideration with the respondents and the petitioners will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioners, the respondents are directed to decide the legal notice dated 20.10.2018 (Annexure P-6) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioners are entitled for any monetary benefit, the same shall also be released to them within a period of next three months.

It is made clear that in case the petitioners are found entitled for the said relief, the same shall be given notionally and no arrears shall be given to them.

Present writ petition stands disposed of.

December 18, 2018
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No