

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 2089 of 2019

Date of Decision : 25.01.2019

Prem Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the claim of the petitioner is for the grant of two advance increments on attaining the post graduate qualifications as per Instructions dated 01.09.1960.

Petitioner joined the service on 05.06.1976 and he retired on 30.04.2007. After a period of approximately 12 years of the retirement, the present writ petition has been filed and that too for claiming a benefit, which according to the petitioner, he was entitled for immediately at the time of his joining in the year 1976.

Learned counsel for the petitioner states that petitioner was not knowing his entitlement about the grant of two increments keeping in view his qualification as envisaged under the Instructions dated 01.09.1960. Further, learned counsel for the petitioner states that it is a recurring cause and keeping in view the facts and circumstances of this case, the petitioner is willing to forego the arrears which might be available to him in case he is

found entitle for the said relief.

Learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, the petitioner has served the respondents with a legal notice dated 20.08.2018 (Annexure P-7) and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the legal notice by passing a speaking order.

Without going into the merits of the case or expressing any opinion to the entitlement of the petitioner in respect of the claim prayed in the present writ petition or in the legal notice, the present writ petition is disposed of with a direction to the respondents to pass an appropriate speaking order on the claim raised by the petitioner in the legal notice dated 20.08.2018 (Annexure P-7) within a period of three months from the date of receipt of certified copy of this order.

In case it is found that the petitioner is entitled for the said relief, the petitioner will not be paid any arrears upon his re-fixation of his salary till the filing of the present writ petition. The petitioner will be entitled for the actual payment only after today in case he is found entitle for the same.

The writ petition stands disposed of.

January 25, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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