

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125

CWP-13203-2019

Date of Decision : 17.05.2019

Achhar Kumar Joshi and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr.Om Pal Sharma, Advocate
for the petitioners.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the grievance raised by the petitioners is that the petitioners are entitled for the grant of one increment for not participating in a mass strike which took place on 08.02.1978.

Counsel for the petitioners relies upon order passed by this Court in CWP No.1863 of 1993 titled as “Amarjit Kaur and others vs. State of Punjab and others” decided on 03.10.2013 to contend that the persons, who did not participate in the mass strike, have been allowed the increment by this Court, therefore, the petitioners being similarly situated, are also entitled for the same relief.

The claim of the petitioners in respect of the increment is about 40 years old and no justification has been given as to why, the present writ petition has been filed after the retirement and that too 40 years after the incident.

Counsel for the petitioners states that the petitioners will not claim the benefit of arrears prior to the date of filing of the present writ petition in case, the benefit of the increment is allowed to them by the respondents. He further states that for the relief, which has been claimed in the present writ petition, the petitioners have served the respondents with a legal notice dated 20.08.2018 (Annexure P-6), which is still pending consideration 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 by passing a speaking order.

Without going into the merits of the case or expressing any opinion to the entitlement of the petitioners in respect of the relief claimed 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 petitioners in the legal notice 20.08.2018 (Annexure P-6) within a period of three months from the date of receipt of certified copy of this order.

In case after the order, it is found by the respondents that the petitioners are entitled for any monetary benefits, the same should also be released to them within a period of three months, with the condition that grant of benefit will be notionally till the filing of the writ petition.

The writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

May 17, 2019
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Whether speaking/reasoned? *Yes/No*
Whether reportable? *Yes/No*