

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-20960-2019

Date of decision: - 09.09.2019

Davinder Singh and another

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: - Mr. Nitesh Singla, Advocate,
for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

Counsel for the petitioners argues that petitioners were entitled for the benefit of advance increment on the ground of having higher qualification than required for the posts on which they were appointed.

As per the petitioners, they were having higher qualifications than what was required to work on the posts on which they had working in the years 1974 and 1977 respectively and keeping in view the instructions issued by the Government of Punjab in the year 1957, they were entitled for the grant of increment on acquiring the higher qualifications.

Counsel for the petitioners has not been able to dispute that cause of action accrued in the year 1974 and 1977 when they acquired the

higher qualifications. Nothing has been shown as to why even after 10 years of their retirement, petitioners had never raised any grievance with regard to the non-grant of the said benefit.

The claim is being raised by the petitioners after more than four decades of their becoming entitled for the said benefit and the said delay has not been explained satisfactorily by the petitioners at all.

Faced with this situation, counsel for the petitioners states that the petitioners will be satisfied at this stage in case the respondents are directed to decide the legal notice dated 10.06.2019 (Annexure P-7), which they have served upon them, in a time bound manner by passing an appropriate speaking order. Counsel for the petitioners further states that in case the petitioners are found entitled for the said benefit, they will not claim any arrears till the date of the submission of the said legal notice.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioners, the respondents are directed to decide the legal notice dated 10.06.2019 (Annexure P-7) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

Present writ petition stands disposed of.

September 09, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No