

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

(124)

CWP-24296-2019

Date of Decision: September 04, 2019

Sumer Lal

.. Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mohnish Sharma, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner argues that it was not mandatory to pass the type test for promotion to class-III post and therefore, condition No.7 of passing the type test in order to get the benefit of increment, imposed in the order of promotion dated 21.01.1994 was not supported by any rule and therefore, the same is liable to be set aside and a direction needs to be issued to the respondents to grant the petitioner the benefit of increment in respect of the service which he had rendered on class-III post and consequential benefits in respect of pension and other pensionary benefits.

Learned counsel for the petitioner states that for the relief which has been claimed in the present writ petition, the petitioner has submitted a representation dated 20.02.2019 (Annexure P-9) to the respondents, which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said representation by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in

the representation dated 20.02.2019 (Annexure P-9), the present writ petition is disposed of with a direction to the respondents to decide the representation dated 20.02.2019 (Annexure P-9), within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioner is entitled for any monetary benefits after the decision of the representation, the same should also be paid to him within three months thereafter.

In case, it is found that the petitioner is found entitled for any relief, as being claimed in the present writ petition, the arrears will only be paid from the date of the representation i.e. 20.02.2019, as no explanation has been given by the petitioner as to why he is approaching the Court in the year 2019 challenging the order dated 21.01.1994.

September 04, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes
Whether reportable: No