

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.9921 of 2019 (O&M)
DATE OF DECISION:17.09.2019

Siri Krishan

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. J.P.S. Sidhu, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

The claim of the petitioner in the present writ petition is that the petitioner is entitled for the grant of scale equivalent to the post of Clerk with two advance increments from the year 1973 keeping in view the fact that vide letter dated 02.07.1969 (Annexure P-1), any Octroi Moharrir, with qualification of graduation was equated with the post of Clerk and had been granted the said pay scale with two increments.

Counsel for the petitioner argues that the petitioner was fully eligible for the grant of said benefit which has never been extended to him by the respondents during his service career.

In the writ petition, the claim is being made from the year 1973. The present writ petition has been filed after 46 years of the cause of action. No explanation has been given by the petitioner for the delay in approaching this Court. Even the representation which

has been attached seeking the said relief has been submitted only on 08.05.2018 i.e. after 19 years of the retirement.

Learned counsel for the petitioner states that the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the representation dated 08.05.2018 (Annexure P-7) 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 08.05.2018 (Annexure P-7), the present writ petition is disposed of with a direction to respondent No.3 to decide the representation dated 08.05.2018 (Annexure P-7) within a period of three months from the receipt of certified copy of this order.

Keeping in view the fact that the petitioner has approached after 46 years of his cause of action and even the representation was also filed in the year 2018 for the very first time, therefore, in case the petitioner is found entitled for the relief as being claimed in the representation, the petitioner will not be entitled for any arrears till the filing of the present writ petition.

September 17, 2019

jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable : Yes / No