

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 33421 of 2019
Date of decision : 18.11.2019

Sh. Dilbar Singh

....Petitioner

Versus

The State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Puran Chand Arora, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that petitioner was entitled for the grant of proficiency step up after rendering 18 years of service as on 01.10.1990, which benefit was not extended to the petitioner without any valid justification. Learned counsel for the petitioner states that even for the period of suspension, which had already been regularized prior to his retirement, the benefit of pay for the said period was only given in the year 2019 and further the benefit of leave encashment has been extended to the petitioner after a delay for which petitioner is entitled for interest.

The prayer of the petitioner is for the grant of said benefit alongwith arrears and re-fixation of his pensionary benefits and also for release of the arrears of the revised pensionary benefits with interest.

Petitioner retired on 31.10.2006. Petitioner has filed the

present writ petition after more than 13 years. Nothing has been shown as to why petitioner did not agitate the matter in the year 1990 when according to the petitioner, he became entitled for the grant of proficiency step up after rendering 18 years of service. Learned counsel for the petitioner is unable to explain the delay in approaching this Court as there is a delay of 28 years from the date when the cause of action has accrued to the petitioner for the grant of proficiency step up.

Learned counsel for the petitioner states that the petitioner will be satisfied in case the legal notice, which the petitioner has submitted on 06.07.2019 (Annexure P-5) is decided by the respondents by passing a speaking order in a time bound manner.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 06.07.2019 (Annexure P-5) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

It is made clear that in case the prayer as made by the petitioner in the legal notice is accepted, petitioner will only be granted the benefits of the arrears from the date of serving the legal notice.

Writ petition stands disposed of accordingly.

November 18, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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