

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

114

CWP No.1891 of 2020

Date of Decision : 24.01.2020

Krishan Kumar and others

....Petitioners

v/s

Uttar Haryana Bijli Vitran Nigam Limited and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. V.D. Sharma, Advocate for the petitioners.

B.S. Walia, J. (Oral)

[1] Prayer in the writ petition is for the issuance of a writ of mandamus for directing the respondents to grant the petitioners 1st ACP on completion of 10 years regular satisfactory service w.e.f. 01.11.2001/ 01.09.2002 as ALM (instead of 01.01.2006) and 3rd ACP on completion of 24 years of regular service w.e.f. 01.09.2016 on the same terms as granted to similarly situated junior employees Partap Singh & Shyam Lal, Linemen and to release all consequential benefits w.e.f. the due date along with interest @ 9% per annum.

[2] Learned counsel states that the petitioners have already served legal notice (Annexure P-7) dated 02.10.2019 but the claim made therein has not been decided, till date, therefore, the petitioners would be satisfied, if the writ petition is disposed of by directing respondent No.3 to consider and decide the claim, as made in the legal notice (Annexure P-7) dated 02.10.2019, in accordance with law, in a time bound manner.

[3] As far as claim for grant of 1st ACP w.e.f. 01.01.2001/01.09.2002 on the post of ALM is concerned, it needs noticing that the 1st ACP was granted to the petitioners w.e.f. 01.01.2006, whereas the legal notice has been given on 02.10.2019 and the writ petition has been filed in the year 2020. The same is clearly hit by *delay and laches*. However, as regards the claim of the petitioners for the grant of 3rd ACP on completion of 24 years of regular service w.e.f. 01.09.2016, the writ petition is ***disposed of*** by directing respondent No.3 to consider and decide the claim made in the legal notice (Annexure P-7) dated 02.10.2019, in accordance with law, after taking into account all aspects of the matter, as expeditiously as possible, preferably within a period of 04 months from the date of receipt of certified copy of the order.

(B.S. Walia)
Judge

January 24, 2020
'Rajneesh'

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No