

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

**CWP No.4757 of 2020 (O&M)
Date of decision : February 20, 2020**

Baldev Singh

..... Petitioner

Versus

Food Corporation of India and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ashish Grover, Advocate for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner states that though the respondents had passed the order dated 11.05.1994 (Annexure P-1) granting the petitioner selection grade, but the said order was never implemented by the respondents during the service carrier of the petitioner, which has caused great prejudice to the petitioner as the petitioner did not get the entitled pay while in service as well as the entitled pension after retirement. The prayer of the petitioner in the present writ petition is for directing the respondents to implement the order dated 11.05.1994 (Annexure P-1) with the consequential benefits of re-fixation of the pay of the petitioner as well as the pension as the petitioner had already retired from service on 28.02.2013 upon attaining the age of superannuation.

The claim which is being raised by the petitioner, is in respect of an order passed in the year 1994. Prima facie, the claim is belated as the petitioner is approaching this Court after a period of 26 years of the passing of the said order.

Learned counsel for the petitioner argues that the non-implementation of an order passed in the year 1994 in his favour is continuing wrong and therefore, the delay could not come in his way for the grant of the benefit for which he is entitled.

Learned counsel for the petitioner states that the release of the arrears can be restricted to three years, two months prior to the filing of the legal notice dated 20.11.2019 (Annexure P-10).

Learned counsel for the petitioner further states that for the relief, which has been claimed in the present writ petition, petitioner has served a legal notice dated 20.11.2019 (Annexure P-10) upon the respondents, which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, if a time bound direction is issued to respondent No.2 to decide the same by passing an appropriate speaking order in accordance with law.

In view of the request made, without expressing any opinion on the merits of the case or on the claim being made by the petitioner, respondent No.2 is directed to decide the legal notice dated 20.11.2019 (Annexure P-10), by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to him within a period of next three months.

It is made clear that keeping in view the undertaking given by learned counsel for the petitioner at the time of the hearing, in case, the petitioner is found entitled for the relief of arrears, the arrears will be restricted 38 months prior to the filing of the aforesaid legal notice.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)

JUDGE

February 20, 2020

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Whether speaking / reasoned

Yes

Whether Reportable:

No