

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(109)

CWP No. 5226 of 2020

Date of Decision : 12.03.2020

Kuldeep Singh

....Petitioner

Versus

Punjab State Warehousing Corporation

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. R. Kartikeya , Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that though more than one relief have been prayed for in this writ petition but the petitioner keeping in view the facts and circumstances of this case, is restricting his prayer for re-calculation of the pensionary benefits keeping in view the order passed by the Appellate Authority dated 10.01.2018 (Annexure P-7) by which, punishment of stoppage of increment has been modified to that of censure and, therefore, petitioner is entitled for the benefit of increments for the period from 19.08.2013 till 07.12.2015 and consequent revision of the pay and pensionary benefits. Prayer of the petitioner is that appropriate direction be issued to the respondent-Corporation for re-fixation of his pay as well as pensionary benefits and release the same alongwith arrears forthwith.

Learned counsel for the petitioner states that though the petitioner has already represented on 08.12.2018 in this respect to the respondents but the petitioner has not retained the said representation with him.

There is nothing on record to show that the petitioner ever claimed the re-fixation of his pay or the pensionary benefits after the passing of the order by the appellate authority dated 10.01.2018 (Annexure P-7), by which punishment imposed upon the petitioner of the stoppage of increment was modified to that of censure. The writ of mandamus can only be issued in case there is a legal right of the petitioner to claim a particular benefit and the petitioner has asserted the said right by demanding the same from the respondents. In the present writ petition nothing has been placed on record that the petitioner has demanded the benefit for which the present writ petition has been filed by the petitioner.

Faced with this situation, learned counsel for the petitioner states that he be allowed to withdraw this writ petition, at this stage, with liberty to approach the respondents for raising his grievance with regard to re-fixation of pay and the pensionary benefits and for the release of the same alongwith arrears.

Dismissed as withdrawn, with the liberty, as prayed for.

March 12, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No