

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

115

CWP-11366-2020

Decided on : 07.08.2020

Jai Bhagwan

... Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam Ltd. & another

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.A.K.Kansal, Advocate, for the petitioner.
(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawal, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India is for grant of benefit of the 2nd and 3rd ACP along with all consequential benefits i.e. revised pensionary benefits, gratuity and other retiral benefits along with 9.5% interest per annum from the date of his retirement.

Admittedly, the petitioner had retired on 30.11.2018. A legal notice dated 11.09.2019 (Annexure P-3) has allegedly been served, almost a year after his retirement. Nothing has been placed on record to show that during his service period, he had agitated for his grievances. If the petitioner has any such grouse, it is always open to him to avail the remedy before the Civil Court since he has already retired.

It is settled principle that the Writ jurisdiction is extraordinary jurisdiction and the claim of the petitioner can, thus, be decided by the competent Civil Court. In such circumstances, once the petitioner has an alternate and efficacious remedy available for redressal of his grievance, this Court is of the opinion that the jurisdiction of this Court is not liable to be invoked, in the facts and circumstances of the case.

At this stage, counsel submits that he may be permitted to withdraw the present writ petition, to avail his alternative remedy, in accordance with law.

Ordered accordingly.

AUGUST 07, 2020

sailesh

Whether speaking/reasoned:
Whether Reportable:

(G.S. SANDHAWALIA)

JUDGE

Yes/No
Yes/No