

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CWP-6371-2022
Date of decision: March 29, 2022

Mahender Kumar

....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Arvind Kashyap, Advocate, for the petitioner.

Ms. Parul Khanna, AAG, Punjab.

ARUN MONGA, J. (ORAL)

Petition herein, inter alia, is for issuance of a writ in the nature of mandamus directing the respondents to grant the petitioner four special increments along with arrears and interest on the delayed payment.

2. Learned counsel for the petitioner submits that petitioner working as Beldar retired on 30.06.2006. During his service period, respondents ordered recovery from him on account of special increments and retrenchment increments. Recoveries of the amount paid to the petitioner were quashed by this Court vide CWP No.17349-2008. He submits that this Court held that the employees are entitled for retrenchment increments but not entitled for special increments. As against the aforesaid Single Bench judgment, an intra-court appeal was filed by the petitioner which was allowed followed by the SLP wherein the Supreme Court held that petitioner would be entitled to the benefit of four special increments. When the respondents did not respond to the request of the petitioner, he caused issuance of a legal notice dated 11.10.2021 (Annexure P-2). Respondent No.3 replied to the legal notice vide letter dated 26.11.2021 (Annexure P-3) and sent a letter to Accountant General Punjab to sanction the revision of pension case of the petitioner. Till date nothing has been done. Hence, the instant petition.

3. On advance service, learned State counsel appears and opposes issuance of notice of motion and submits that competent authority shall take decision either way, on the legal notice of the petitioner, in due course.

4. Learned counsel for the petitioner also agrees that let a final decision be taken, by the competent authority on the legal notice of the petitioner by keeping in view the letter dated 26.11.2021 (Annexure P-3).

5. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

6. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the competent authority to look into the grievance of the petitioner as per legal notice dated 11.10.2021 (Annexure P-2) and also contentions raised in the present petition by treating the same as supplementary representation and take a decision, in view of letter dated 26.11.2021 Annexure P-3 in accordance with law, as expeditiously as possible but not later than 02 months from today.

7. Disposed of accordingly.

(ARUN MONGA)
JUDGE

March 29, 2022

vandana

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No