

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106)

CWP-21866-2020

Date of Decision : March 17, 2022

Raghubir Singh

.. Petitioner

Versus

State of Haryana and others

.. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Goyat, Advocate, for the petitioner.

Mr. Raman Kumar Sharma, Additional A.G., Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed with a prayer that the petitioner is entitled for the grant of pay scale of Rs.7,500-12,000/- w.e.f. 01.01.1996 and the claim is covered by the settled principle of law settled by a Coordinate Bench of this Court in CWP No.8082 of 2001 titled as R.K. Verma and others versus State of Haryana and others, decided on 01.12.2010.

On being asked, that whether the petitioner has demanded the said benefit from the respondents at any given point of time before approaching this Court, learned counsel for the petitioner very fairly

submits that the petitioner has not approached the respondents for the said claim so far. The condition for the grant of writ of mandamus is that there should be a right existing with the employee to demand a certain benefit and on demand of the same, the same is not extended to him. In the present case, there is no demand raised by the petitioner with regard to the benefit which has been claimed in the present petition so far from the respondents, hence, question of grant or non-grant of the benefit does not arise.

Faced with this situation, learned counsel for the petitioner submits that the petitioner be allowed to withdraw this petition with liberty to approach the respondents by filing appropriate representation claiming the benefit and the respondents be directed to decide the same in a time bound manner by passing an appropriate speaking order.

Learned State counsel submits that in case, any representation is filed by the petitioner claiming any benefit, the same will be considered in accordance with law and appropriate order will be passed within a period of eight weeks of the submission of the same.

Learned counsel for the petitioner submits that keeping in view the undertaking given by the learned State counsel, the petitioner be allowed to withdraw this petition with liberty as prayed for.

Ordered accordingly.

March 17, 2022

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No