

2023:PHHC:042042

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

109

CWP-5250 of 2023

Date of Decision:16.03.2023

S. Manjit Singh Sekhon and others

....Petitioner(s)

Versus

The State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Mukesh Arora, Advocate,
for the petitioners.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents No.1 and 4 to grant the benefit of dearness allowance/dearness relief @ 119% with effect from 01.07.2015 and to revise the subsequent dearness allowance/dearness relief.

At the time of hearing, it transpired that the present is a petition seeking issuance of a writ in the nature of *mandamus* and for maintaining a petition for grant of *mandamus* a representation or a legal notice is required to be served and a reasonable time has to be granted to the concerned authority. But a perusal of Annexure P-7 legal notice would show that it is dated 14.02.2023 whereas the present writ petition has been filed on 09.03.2023 which is only after three weeks. During this period of three weeks it is also possible that the legal notice might not have even reached the competent

authority and therefore the present writ petition which has been filed is totally premature.

Not only this, even it has been specifically averred in paragraph 14 of the writ petition that the petitioners had requested the respondents for many times but no action has been taken and finally a legal notice Annexure P-7 was served which is pending till date. Whenever a legal notice/representation is given to the concerned respondent then at least some reasonable time has to be given to respond to the same and in the present case the petitioners have come up in hurry and filed the present petition after a period of three weeks and therefore this Court is of the view that the present petition is not maintainable at this stage being premature.

In view of the above, the present petition is dismissed. However, this order will not preclude the petitioners from filing a fresh petition in accordance with law at an appropriate stage at an appropriate time in case any grievance subsists.

(JASGURPREET SINGH PURI)
JUDGE

March 16, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No