

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

CWP-9030-2023 (O&M)

Date of decision: 08.05.2023

Joginder Lal

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr. Harnek Singh, Advocate for the petitioner

Mr. Vikas Arora, AAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. The petitioner, on attaining the age of superannuation, retired in the year 2006. While filing the writ petition, the petitioner prays for the following reliefs:-

“ii) A of the writ of mandamus directing the respondents to give benefits of Proficiency Step/ ACP benefits after having work for 16, 24, 32 years of services and revised the pensionary in the interest of justice.

iii) It is further prayed that the petitioner be paid the benefit of leave encashment with interest @ 12% and the cost of Rs.5000/- imposed by the court.

iv) For issuance of any other appropriate writ, order or direction which this Hon'ble High Court may deems fit in the facts and circumstances of the case.”

2. Some brief facts are required to be noticed in order to comprehend the controversy involved in the present case. The petitioner was appointed as a Conductor on 18.09.1970 but his services were terminated on 11.10.1977, which led to the litigation before the Industrial Tribunal. The petitioner was ordered to be reinstated vide judgment dated

22.11.1995 passed by the Presiding Officer, Labour Court, Ludhiana. He was reinstated on 22.03.1996. Post his retirement, he filed CWP-1259-2011, which was disposed of on 24.01.2011. In this writ petition, direction was issued to count the petitioner's period of service from 24.04.1974 to 16.10.1980 for the purpose of pensionary benefits. In 2023, the petitioner has filed the writ petition for the grant of the benefits noticed in the prayer clause. It is evident that the petitioner has woken up after a deep slumber. Hence, the petitioner, if advised, may avail alternative remedy, as this Court is not inclined to exercise its extraordinary jurisdiction.

3. Disposed of.

4. All the pending miscellaneous applications, if any, are also disposed of.

08.05.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE