

CWP- 18091-2023 (O&M)

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

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Date of Decision:21.08.2023

Bikkar Singh

... Petitioner

V/s.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Pawan Kumar Goklaney, Advocate
for the petitioner.

DEEPAK MANCHANDA, J.(Oral)

Through the instant Civil Writ Petition filed before this Court under Article 226/227 of the Constitution of India the petitioner has prayed for issuance of direction in the nature of Mandamus directing the respondents to grant the difference of arrears of salary and difference of arrears of pensionary benefits w.e.f. 01.01.2016 in view of the recommendations of 6th Pay Commission as admissible to the post of the petitioner with a further prayer that he is also entitled for release of interest @ 12% from the date when it became due till its realization.

Learned counsel for the petitioner contends that the petitioner

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was appointed as Technician Grade-I (Pump Operator) on 07.09.1988 in the respondent-Department and was transferred in the Municipal Council Ferozepur on 02.08.2005 and thereafter the services of the petitioner were transferred again in the department of Punjab Water Supply and Sewerage Board on deputation and ultimately he retired on 31.10.2020 from Municipal Council Ferozepur on attaining the age of superannuation. Learned counsel also submits that earlier also petitioner had approached this Court by way of filing CWP-1995-2021, which was disposed of by this Court vide order dated 29.01.2021 directing the respondent department to decide the legal notice of the petitioner by passing a speaking order and in compliance thereof the case of the petitioner was considered and he was found to be eligible for the release of pensionary benefits as such they were released to the petitioner, however, the benefits were released incomplete. Learned counsel for the petitioner further submits that the petitioner has already raised the said grievance in the legal notice dated 17.04.2023 (Annexure P-2), which is still pending consideration with respondents and the petitioner will be satisfied at this stage, in case a direction is issued to the respondents to decide the same by passing an appropriate speaking order in a time bound manner.

Notice of motion.

At this stage, on the asking of the Court, Mr. Arun Gupta, AAG, Punjab, who is present in the Court accepts notice on behalf of respondent Nos. 1, 2 and 3 and Mr. Sanjeev Soni, Advocate has put in appearance on behalf of respondent No. 4 and raise no objection in

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deciding the legal notice dated 17.04.2023 (Annexure P-2) in a time bound manner by passing an appropriate speaking order.

I have heard learned counsel for the parties and have gone through the record of the case.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in the legal notice, respondents are directed to decide the legal notice dated 17.04.2023 (Annexure P-2), by passing a speaking order within a period of eight weeks from the date of receipt of certified copy of this order with a further direction that if the petitioner is found to be entitled to the claim mentioned in the legal notice, necessary disbursement of funds shall be made to him within a period of eight weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

21.08.2023

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Whether speaking/reasoned	Yes
Whether Reportable	Yes /No