

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 26552 of 2022

Date of Decision: 09.03.2023

Retired TG-2 (Turner) Charan Singh

... Petitioner(s)

Versus

The State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Brahmeet Singh, Advocate
for the petitioner(s).

Mr. R.S.Pandher, Senior Deputy Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

1. This writ petition has been filed with the following substantive prayers:-

- “ii) *For the issuance of any suitable writ, order or directions especially in the nature of mandamus directing the respondents to re-fix and revise the pay and promote as Technician Grade-I and retiral benefits after granting the benefits of increments as the petitioner has been reinstated into the service with continuity of service vide award dated 13.11.1998 passed by Learned Labour Court (Annexure P-1).*
- iii) *For the issuance of writ in the nature of mandamus directing the respondents to decide the representation dated 19.10.2021 (Annexure P-5).*

iv) For the issuance of a writ in the nature of mandamus directing the respondents to release the retiral benefits along with 18% interest to the petitioner after granting the benefits of annual increments available to the petitioner from time to time.”

2. In brief, the relevant facts are required to be noticed. The petitioner is stated to have joined as a helper on 15.01.1986, whereas, his services were terminated on 09.03.1987. Pursuant to the award dated 13.11.1998 passed by the Labour Court, he was ordered to be reinstated into service, whereas, his services were regularized w.e.f. 01.04.2003. Previously, the petitioner had filed the Civil Writ Petition No. 13754 of 2004 which was disposed of on 09.09.2004 while directing the respondents to consider his representation. Pursuant thereto, the General Manager, Punjab Roadways, Ferozepur, vide order dated 22.02.2005, has designated the petitioner as a Junior Technician in the pay scale of ₹ 3,120-5,160/-. He retired from the services as a Technician Grade-II (Turner) on 31.10.2018. He claims that he was entitled to be promoted as a Technician Grade-I. Neither the petitioner has disclosed as to when his juniors have been promoted as Technician Grade-I nor he has disclosed the sufficient particulars in order to make out his case. Moreover, the writ petition has been filed after a delay of four years from the date of his retirement.

3. The learned counsel representing the petitioner submits that the petitioner sent a representation on 19.10.2021. It is, by now, well settled that mere submission of a representation does not debar the employee from approaching the Court and filing of repeated representations is not sufficient

4. Keeping in view the aforesaid facts, it is evident that the writ petition is bereft of necessary particulars as well as it suffers from the unexplained delay and laches. Hence, this Court is not inclined to issue the writ. Consequently, the present writ petition is dismissed.

(Anil Kshetarpal)
Judge

March 09, 2023
“DK”

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No