

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

119

CWP-3782-2024

Date of decision: 21.02.2024

Sudesh Kumar Jain

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Tania Mahajan, Advocate for the petitioner.

AMAN CHAUDHARY. J.

1. The prayer in the present Civil Writ Petition filed under Articles 226/227 of the Constitution of India, is to issue a writ in the nature of mandamus, for directing respondent No.3 to release the grade pay of the petitioner.

2. Learned counsel would submit that the petitioner is 75 years of age, have been running from pillar to post for having grade pay released to him in terms of the order dated 09.01.2018, Annexure P-3, which was in favour of 4 persons including him. However, the benefit has been released in favour of the other 3 persons. There were certain documents that were asked of him, vide letter dated 18.02.2020, Annexure P-6, which he duly submitted on 20.02.2023, Annexure P-7, whereafter also the amount has still not been released. In this regard, a legal notice dated 10.10.2023, Annexure P-8, has been served upon respondent No.3, which has yet not evoked any response. She thus, at this stage, on instructions, submits that the petitioner is sanguine of it being considered in a positive manner, in case, a direction is given to respondent No.3 to decide the same in a time bound manner by granting him an opportunity of hearing.

3. Notice of motion.
4. At the asking of the Court, Mr. Swapan Shorey, DAG, Punjab accepts notice on behalf of the respondent-State and has no objection to the limited prayer made.
5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondent No.3 to consider the legal notice dated 10.10.2023, Annexure P-8 and decide the same taking note of the fact as mentioned by learned counsel for the petitioner within a period of two months and if found entitled, necessary benefit be granted to him forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating the petitioner therewith.

(AMAN CHAUDHARY)
JUDGE

21.02.2024
Hemant

Whether speaking/reasoned

Whether reportable

: Yes / No

: Yes / No