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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-8327-2024
Date of Decision: 16.04.2024

Tule Ram Petitioner
Versus

Uttar Haryana Bijli Vitran Nigam Ltd. and others Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Lajpat Rai Sharma, Advocate for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to grant benefit of 2nd ACP to the petitioner, which is due since 2015 with all consequential benefits including refixation of pay and after refixation of pay the revised pension to the petitioner along with interest with further prayer to take decision on the show-cause notice dated 12.08.2022 issued to the petitioner.
2. Learned counsel for the petitioner submitted that the petitioner was appointed as Lineman in the respondent-Nigam on 20.11.1997 and was promoted as an Assistant Sub Station Attendant on 11.01.2008. Thereafter, the petitioner was further promoted to the post of Senior Sub Station Attendant on 09.02.2010 on the same very pay-scale. He further submitted that the petitioner was granted 1st ACP in the year 2007 and therefore, he becomes entitled for 2nd ACP from the year 2015. He submitted that despite being duly eligible and fulfilling all the criteria, the petitioner was not granted the benefit of 2nd ACP which was due from the year 2015 and now

the petitioner has retired after attaining the age of superannuation on 31.03.2021. He further submitted that a legal notice was issued by the petitioner to the respondent-Nigam on 08.01.2024 vide Annexure P-1, but neither the legal notice has been replied nor any action has been taken in this regard. He further submitted that at this stage, the petitioner confines the scope of the present petition only to the extent that necessary direction may be issued to the respondent-Nigam to consider and decide the legal notice (Annexure P-1) issued by him in accordance with law within a time bound manner.

3. Notice of motion.
4. On the asking of the Court, Mr. Samarth Sagar, Additional Advocate General, Haryana, who is present in Court, accepts notice on behalf of all the respondents and stated that he has no objection, in case, a direction is issued to the respondent for considering and deciding the legal notice issued by the petitioner vide Annexure P-1 in accordance with law and within a time framework.
5. In view of the aforesaid position, without calling for the reply from the respondents and without observing anything on the merits of the case, the present petition is disposed of with a direction to the respondent-Nigam to consider and decide the legal notice issued by the petitioner vide Annexure P-1 dated 08.01.2024 strictly in accordance with law by passing a well-reasoned speaking order within a period of three months from today.

16.04.2024

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No