

CWP-8829-2024

1

2024:PHHC:053571

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-8829-2024

Date of decision : 22.04.2024

Surjeet Lal Gupta

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Vipin Mahajan, Advocate
for the petitioner.

Mr.T.P.S. Walia, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent department to grant one increment for one complete year of service rendered by the petitioner immediately before retirement notionally for the purpose of pensionary benefits and then re-fix the pensionary benefits with consequential benefits of arrears etc. as per law laid down by the Hon'ble Supreme Court of India in C.A. No.2471 of 2023 titled as "The Director (Admn & HR) K.P.T.C.L. and others vs. C.P. Mundinamani and others" as also in view of judgments passed by this Court on 16.03.2022 (Annexure P-2).

2. Learned counsel for the petitioner has submitted that for the grievances raised by the petitioner, the petitioner had given a legal notice dated 19.08.2023 (Annexure P-3) and at this stage, would be satisfied in

case the legal notice is considered by the competent authority of respondent no.1 in a time bound manner and if after considering the same, in case, the pleas raised by the petitioner are found to be meritorious, then necessary relief be granted to the petitioner.

3. Learned State counsel has submitted that the competent authority of respondent no.1 would consider the said legal notice and decide the same within a period of six weeks from the date of the receipt of certified copy of the present order.

4. Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to the competent authority of respondent no.1 to consider the legal notice dated 19.08.2023 (Annexure P-3) of the petitioner and decide the same, in accordance with law, as expeditiously as possible, preferably within a period of six weeks from the date of the receipt of certified copy of the present order and in case, after considering the same, the pleas of the petitioner are found to be meritorious, then necessary relief be granted to the petitioner and in case, the pleas of the petitioner are not found to be meritorious, then a speaking order rejecting the same be passed within a period of six weeks from the date of the receipt of certified copy of the present order.

5. It is made clear that this Court has not opined on the merits of the case and the competent authority of respondent no.1 would consider and decide the legal notice independently, in accordance with law.

(VIKAS BAHL)
JUDGE

April 22, 2024
Davinder Kumar

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