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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-10276-2024
Date of Decision: 06.05.2024

Dhan Raj Petitioner
Versus

State of Haryana and others Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Anil Kumar Sharma, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 04.01.2024 (Annexure P-5) vide which the pension of the petitioner has been fixed wrongly which is not in consonance with the Service Rules and not on the basis of actual date of regularization i.e. 01.04.1993 and instead of that the same has been fixed on the basis of regularization date i.e. 03.08.1993 and that too in violation of *principles of natural justice* leading to the recurring and an irreparable loss to the petitioner and to issue writ in the nature of *mandamus* directing the respondents to refix the pay and pension of the petitioner.

2. Learned counsel for the petitioner submitted that the petitioner was appointed as Work Munshi on 11.11.1983 under respondent No.4-Sub Divisional Engineer, Haryana Shehri Vikas Pradhikaran (HSVP), Kurukshetra and thereafter, on attaining the age of superannuation the

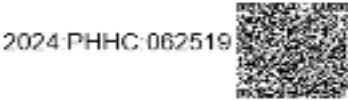


petitioner retired on 31.05.2011 as Work Supervisor. Vide order dated 22.04.2013 (Annexure P-1), the respondents regularized his services w.e.f. 01.04.1993 instead of 03.08.1993 and that too, after his retirement from service. The grievance of the petitioner is that while fixing his pay w.e.f. 01.01.1996, the benefit of one increment was not granted at that point of time and in this way, his basic pay was reduced by one increment as compared to similarly situated employees, namely, Bhushan Pal and Ved Pal. He further submitted that for a number of times, representations were moved by the petitioner to the respondent-HSVP, but no action was taken in this regard and ultimately a legal notice dated 01.01.2024 was issued to the respondents vide Annexure P-7, but the grievance of the petitioner was still not redressed. He submitted that at this stage, the petitioner will be satisfied in case his legal notice dated 01.01.2024 (Annexure P-7) is directed to be decided by passing a speaking order in accordance with law in 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 the respondents and stated that he has no objection, in case, a direction is issued to the respondents for considering and deciding the legal notice issued by the petitioner vide Annexure P-7 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 respondents-
HSVP to consider and decide the legal notice issued by the petitioner vide
Annexure P-7 dated 01.01.2024 strictly in accordance with law by passing a
well-reasoned speaking order within a period of three months from today.

06.05.2024

(JASGURPREET SINGH PURI)

JUDGE

Bhumika

1. Whether speaking/reasoned:

Yes/No
2. Whether reportable:

Yes/No