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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-24548-2022
Date of decision: 22.03.2024

Hardial Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rajinder S. Rana, Advocate for
Mr. Umesh Pandey, Advocate for the petitioner.

Ms. Neha Sonawane, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents to restore 02 retrenchee increments which were granted w.e.f. 01.09.1987 and withdrawn w.e.f. 28.04.2000 (Annexure P-3) and four special increments which were granted on 01.08.1986 and 01.05.1988 and were subsequently withdrawn.
2. Learned State Counsel has submitted that a perusal of para 7 of the reply filed by way of a short affidavit dated 08.02.2023 of Suraj Kumar, Sub Divisional Officer, on behalf of respondent Nos.1 to 4 would show that it is the stand of the State that the claim of the petitioner and the necessary payments have been met.
3. Learned counsel for the petitioner has submitted that the petitioner be granted liberty to move a representation to the competent authority of respondent No.1-State with respect to the amount, if any

outstanding and has submitted that the competent authority of respondent No.1-State be directed to consider the said representation in a time bound manner and in case, the pleas raised by the petitioner are found to be meritorious, then, to grant necessary relief, in accordance with law.

4. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with permission to the petitioner to give a detailed representation to the competent authority of respondent No.1-State giving the details of the amount if any still left or pending as per the case of the petitioner and in case any such representation is moved then the competent authority of respondent No.1-State is directed to consider the said representation, in accordance with law, within a period of two months from the date of receipt of the abovesaid representation and in case, the pleas raised by the petitioner are found to be meritorious, then, the competent authority would grant necessary relief, in accordance with law and in case, the competent authority is of the opinion that the pleas raised by the petitioner are not meritorious, then, a speaking order rejecting the same be passed within a period of two months from the date of receipt of the said representation.

5. This Court has not opined on the merits of the case and the competent authority of respondent No.1-State would consider the case of the petitioner independently, in accordance with law.

22.03.2024
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No