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

CM-756-CWP-2024 in/and
CWP-23977-2023 (O&M)
Date of decision: 02.02.2024

Chetan Dhamija

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Nikita Garg, Advocate for
Mr. Abhishek K. Premi, Advocate for the petitioner.

Mr. Ferry Sofat, Addl. A.G. Punjab.

VIKAS BAHL, J. (ORAL)

CM-756-CWP-2024

1. This is an application filed under Section 151 of CPC for preponement of the date of hearing in the main case which is now stated to be listed for 13.05.2024 to an early date.
2. Learned State counsel has submitted that he has no objection in case the present application is allowed and the date of hearing in the main case is preponed from 13.05.2024 to today itself for final disposal.
3. For the reasons stated in the application and also in view of no objection from the State, the present application is allowed and the date of hearing in the main case is preponed from 13.05.2024 to today and the same

is taken on Board today itself for final disposal.

Main case

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 the respondents to immediately release the benefits of the order dated 15.06.2022 (Annexure P-7) whereby the pay of the petitioner has been protected as Rs.13610+4800=18410/- in the scale of Rs.10,300-34,800+4800 w.e.f. 07.01.2015 along with interest @ 18% p.a. in view of law laid down by the Hon'ble Supreme Court of India in J.S. Cheema Vs. State of Haryana reported as 2014 (13) RCR (Civil) 355. Further prayer has been made for issuance of a writ in the nature of mandamus directing the respondents to grant the benefit of ACP after taking into consideration the previous services in view of instructions dated 15.11.2000 and instructions dated 22.11.2005 (Annexure P-4).

2. Learned counsel for the petitioner has submitted that for the grievances raised by the petitioner in the present writ petition, the petitioner had given a legal notice dated 08.09.2023 (Annexure P-9) and he would be satisfied at this stage, in case, the competent authority of respondent No.1-State is directed to consider the said legal notice dated 08.09.2023 (Annexure P-9) 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.

3. Learned State Counsel has submitted that the competent authority of respondent No.1-State would consider the said legal notice dated 08.09.2023 (Annexure P-9) in accordance with law, as expeditiously

as possible preferably within a period of two months from the date of receipt of certified copy of the present order.

4. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with direction to the competent authority of respondent No.1-State to consider legal notice dated 08.09.2023 (Annexure P-9) in accordance with law within a period of two months from the date of receipt of certified copy of the present order 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 certified copy of the present order.

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.

6. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

02.02.2024
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**