

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.27982 of 2024 (O&M)
Date of Decision: 18.10.2024

Kanwaljit Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Sukhandeep Singh, Advocate for the petitioner.

MAHABIR SINGH SINDHU, J.

Present writ petition has been filed under Article 226 of the
Constitution, *inter alia*, with the following prayer:-

*“for directing the respondents to grant the difference of
arrears of salary and difference of arrears of pensionary
benefits w.e.f. 01.01.2016 in view of the recommendations of
the Sixth Punjab Pay Commission and Notification dated
29.10.2021 (P-1) as admissible to the post of the petitioner
along with interest @ 12% on the delayed payment of arrears
from the date when arrears became due till its realization;*

AND/OR

*IN ALTERNATIVE: to issue a writ of mandamus directing
the respondents to decide the Legal Notice dated 24.09.2024
(P-2) while passing speaking order in a time bound manner;*

AND



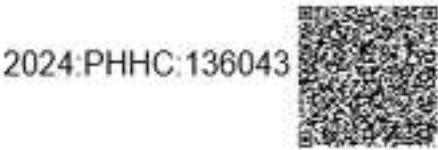
to issue any other appropriate writ, order or direction which this Hon'ble Court may deem fit and proper in the peculiar facts and circumstances of the case.

(2) In brief, petitioner joined the services on 10.12.1973 with Border Roads Organization as Superintendent, B/R Grade-I and worked up till 04.03.1980. Thereafter, on 05.03.1980, he was appointed as Sub-Divisional Engineer in the Public Health Department, Government of Punjab. In the year 2005, petitioner was promoted as Executive Engineer in Public Health (RWS) Division, Gurdaspur (now known as Department of Water Supply and Sanitation) and worked there till 2007; and ultimately, superannuated as Executive Engineer, Punjab Water Supply and Sanitation Division No.3, Amritsar w.e.f. 31.03.2009.

(3) Contends that in view of the Instructions dated 29.10.2021 as well as judgment of the Coordinate Bench in “**Boota Singh and others Versus State of Punjab and others**”, passed in CWP No.20537 of 2023 on 20.09.2023 (P-4), petitioner is entitled for the benefit of difference of arrears of salary and pensionary benefits w.e.f. 01.01.2016; but respondents have not granted the same without any justification.

(4) Heard learned Counsel for the petitioner and perused the paper-book.

(5) It is not in dispute that petitioner retired wayback on 31.03.2009; and he is claiming the benefit of difference of arrears of salary as well as pensionary benefits w.e.f. 01.01.2016 on the basis of Instructions dated 29.10.2021.



(6) Concededly, petitioner served a Legal Notice dated 24.09.2024 (sent under registered cover dated 26.09.2024) for raising his grievance to the respondents. Present writ petition has been filed on 14.10.2024.

Thus, instead of waiting for the breathing time to take a final decision by the competent authority on the basis of aforesaid Legal Notice, petitioner has rushed to this Court while invoking the extra ordinary jurisdiction under Article 226 of the Constitution, which of course, cannot be appreciated; rather deserves to be discouraged.

(7) In view of the above factual position, there is no option except to dismiss the writ petition.

(8) Ordered accordingly.

(9) However, it is clarified that dismissal of present writ petition shall not be treated as an hindrance for the respondents to take a decision in the matter on the basis of aforesaid Legal Notice dated 24.09.2024 in accordance with law.

Pending application(s), if any, shall also stand disposed off.

18th October, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No