

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.10548 of 2012

Date of Decision:16.07.2015

Kamal Kumar and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI.

Present: Mr.R.S.Sharma, Advocate,
for the petitioners.

Mr.Nilesh Bhardwaj, DAG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI, J.(oral)

A writ in the nature of mandamus is prayed for, so as to direct respondent Nos.2 and 3 to consider the representations (Annexures P-6 to P-9) submitted by the petitioners. And they be granted regular pay scales from the date of their respective appointments as have been extended to other identical situated persons vide orders(Annexures P-1 & P-5).

Concededly, all P.R.Chowkidars, who are appointed on April, 1983 on adhoc basis including the petitioners were granted regular pay scale w.e.f. 02.09.1992. However, one P.R.Chowkidar Prem Chand son of Shakki Lal has been granted regular pay scale w.e.f. 06.05.1982. This is how the petitioners also claim regular pay

scale with effect from the date of their appointments as depicted in paragraph 4 of the petition.

Learned State Counsel submits that a show cause notice dated 27.08.2013(Annexure R-3) has already been issued to Sh.Prem Chand son of Shakki Lal as to why the regular pay scale granted w.e.f. 06.05.1982 be not withdrawn as the same was granted erroneously.

However, nothing is brought on record nor could be clarified during the hearing that after issuance of show cause notice (Annexure R-3), regular pay scale granted to Prem Chand was indeed withdrawn. Though, a period of almost two years have gone by since issuance of a show cause notice.

Learned counsel for the petitioners submits that let this petition be disposed of with a direction to the respondents to consider the claim of the petitioners and pass an order on their representations(Annexures P-6 to P-9) within a specified time, as a considerable time has already elapsed.

The prayer is not opposed by the learned State Counsel and he submits that let a direction be issued to the respondents to consider and decide the representations(Annexures P-6 to P-9) submitted by the petitioners and the same shall be decided within a period of one month from the date of receipt of certified copy of this order.

That being so, and, without expressing any opinion on merits, the instant petition is disposed of with a direction to the respondents, to consider and decide the representations(Annexures

P-6 to P-9) submitted by the petitioners, strictly, in accordance with law, within a period of one month, from the receipt of the certified copy of this order. Needless to assert, a comprehensive order shall be passed assigning reasons, in support of the decision arrived at.

However, if an appropriate order is not passed within the time indicated above, the petitioners shall be at liberty to move a miscellaneous application for revival of the petition for appropriate orders.

July 16, 2015
seema

(ARUN PALLI)
JUDGE