

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP NO.19242 of 2015 (O&M)

Date of decision: 11.9.2015

Tarsem Lal

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.R.K.Arya, Advocate for the petitioner

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

It is the contention of the learned counsel for the petitioner that the dispute in this case is covered by the decision of this Court in CWP No.22422 of 2010 (Anil Kumar and others vs. State of Punjab and others) in which a direction was issued to the 3rd respondent by this Court on 16.5.2012 that if the petitioners submit self contained representation to the 3rd respondent/competent authority to make the decision, he would pass a speaking order thereon within a period of three months from the receipt thereof. The grievance of the petitioners in the aforesaid disposed of writ petition was identified by the Co-ordinate Bench of this Court in these words:-

“The short grievance of the petitioners is that since they were in office on 1.1.96 they were also entitled

to have their pay protected. In the written statement it is sought to be argued that pay protection would in fact, be available to those who were placed as such prior to 1.1.96. In my opinion, the clear meaning of the rule would not lend itself to this interpretation. Once the petitioners were in office on 1.1.96 they would be entitled to the benefit granted to them by the Government.

It is thus declared that the petitioners would be entitled to the protection of their pay in terms of the stipulation by the Government extracted above.”

In the present case, there is another prayer which is with respect to ACP which has not been prayed for in the aforesaid writ petition and the dispute there is confined to what is noticed in the extract reproduced above. In this case, the petitioner has already submitted a representation dated 11th June, 2015 (P-5) to the competent authority, but the same has not been decided so far.

Mr.Arya, learned counsel for the petitioner pleads on instructions from his client that he would be satisfied if a direction is issued to the respondents to consider and decide the aforesaid representation within a time bound period. The request is fair and reasonable.

Therefore, a direction is issued to the respondents to consider and decide the aforesaid representation in the light of the decision of this Court in CWP No.22422 of 2010 (Anil Kumar and others vs. State of Punjab and others) decided on 16.5.2012 within three months from

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the date of receipt of a certified copy of this order. In case the claim of the petitioner is found justified, no hearing would be required. If it is otherwise, then the petitioner would be heard and a speaking order would be passed within the time fixed above containing reasons of rejection.

With these directions, this petition stands disposed of.

(RAJIV NARAIN RAINA)

JUDGE

11.9.2015

MFK