

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Writ Petition No. 7219 of 2015

DATE OF DECISION : April 21, 2015

Naresh Kumar etc.

..... PETITIONER(S)

VERSUS

State of Punjab & anr.

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sunny Singla, Advocate, for the petitioners.

ARUN PALLI, J. (Oral)

A writ in the nature of mandamus is prayed for, directing the respondents to grant the petitioners benefit of notional pay fixation and seniority, in terms of their merit determined by the recruiting authority i.e. Departmental Promotion Committee, as per Rule 11 of the Punjab State Education Class-III (School Cadre) Service Rules, 1978.

It is maintained that the matter in issue is squarely covered by the decision rendered by this Court in CWP-19832-2003 (Charan Dass Sharma vs. State of Punjab and others), decided on 09.07.2004 (Annexure P-2), and upheld by the Hon'ble Supreme Court vide order dated 21.07.2006 (Annexure P-3). It is maintained that similar benefit has since been afforded to the large number of similarly circumstanced employees vide

letter dated 05.12.2007 (Annexure P-7), on their filing CWP-6232-2007 (Randhawan Singh and others vs. State of Punjab and others), there is hardly any justification to deny the same to the petitioners. Further, prior to the institution of this petition, respondents were even served upon a legal, but the same has failed to evoke any response.

Learned counsel for the petitioners submits that let this petition, at this stage, be disposed of with a direction to the respondents to consider and decide the legal notice served by the petitioners within a specified time.

That being so, and without expressing any opinion on merits, this petition is disposed of with a direction to respondent No.2 to consider and decide the claim of the petitioners, as set out in their legal notice dated 18.07.2014 (Annexure P-9), strictly in accordance with law, within a period of three months from the date of receipt of certified copy of this order.

Needless to assert, this order shall not constitute an expression of opinion of merits of the case. Respondent No.2 will pass a comprehensive order, assigning reasons in support of the decision arrived at.

APRIL 21, 2015
Kang

(ARUN PALLI)
JUDGE