

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.1841 of 1994 (O&M)

Date of Decision: 21.01.2016

Joint Action Committee and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ashish Grover, Advocate,
for the petitioners.

Mr. Harkesh Manuja, Addl. AG, Punjab.

Mr. Vivek Sharma, Advocate,
for R-2.

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

RAJIV NARAIN RAINA, J. (Oral)

1. The claim in this petition is for a direction to the respondents to pay money representing 87 days of ex gratia amount promised by the State of Punjab to its employees working in the Mukerian Hydel Project. This concession by the State Government is based on a policy decision. However, since petitioner No.1 is an unregistered society going by the name and style of Joint Action Committee and its membership is not identified in this petition to determine as to who are the individual claimants, and hence it will not be wise to issue a blanket direction even if the claim is admittedly due. Money, if due, has to be paid to the members. The claim of petitioner No.2, however, stands on a different footing since he is a party by name

asserting personal right and his claim can be satisfied easily if it falls under the policy decision.

2. Instead of keeping this matter pending for adjudication, it appears to this Court a practical and pragmatic way out that petitioner No.1 – Joint Action Committee should in the first instance approach both the State Government and the PSEB/PSPCL with a list of its membership as on the date of filing of the writ petition. In case, a list is furnished within two months from the date of receipt of certified copy of this order, the respondents would complete the remaining monetary exercise within four months next and it would be appreciated if a speaking order is passed with respect to rights of each of the constituent members who compendiously were represented through the Joint Action Committee when the petition was filed. If a speaking order is passed in terms of the proposed policy decisions dated March 13, 2007 and July 04, 2008 that would serve the purpose. Then the right to the principal corpus [87 days salary] and interest on delayed payments of ex gratia amounts to the employees of the Department of Irrigation Employees deputed by the State Government to PSEB/PSPCL for completion of the Mukerian Hydel Project, Phase-II, can be determined. The issue whether the interest component has been approved or not on the ex gratia amounts is left to the respondents to decide in accordance with law and in terms of the prevailing policy instructions on the subject matter.

3. Without expressing any opinion on these issues or on the claims on merits, this petition is disposed of with the aforesaid directions. In case, the amounts are found due and interest is payable thereon then the sums of money be disbursed to persons identified after the verification drive

is carried out.

4. With these observations and directions, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

21.01.2016
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