

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.11849 of 2016
Date of decision: 09.08.2016**

Balwinder Kumar and others **..Petitioners**

Versus

State of Punjab and another **..Respondents**

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. P.S. Khurana, Advocate
for the petitioners.

Daya Chaudhary, J. (Oral)

The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to grant the petitioners salary in the higher pay scale of the post of Junior Engineer for the period, they have worked on the said post and to grant all consequential benefits as has been granted to other similarly situated employees.

Learned counsel for the petitioners submits that the aforesaid benefit has been granted to other similarly situated employees as per decision rendered by this Court in **CWP No.17141 of 2013** titled as **Thuru Ram and others vs. State of Punjab and others**, decided on **07.08.2013** (Annexure P-2), **CWP No.10529 of 2011** titled as **Basant Singh and others vs. The State of Punjab and others**, decided on **03.06.2011** (Annexure P-3) and **CWP No.13002 of 2012** titled as **Hardev Singh and another vs. State of Punjab and others** decided on **06.12.2012** (Annexure P-4). Thereafter, the State filed LPA against decision passed in **CWP**

No.13002 of 2012, which was dismissed. Learned counsel further submits

that the SLP filed by the State against decision passed by this Court has also been dismissed. Learned counsel also submits that the inaction of the respondents was quashed by declaring the conditions mentioned in the order as unlawful by this Court vide order dated 31.03.2016 passed in **CWP No.19589 of 2015** titled as **Gurvinder Kumar and another vs. State of Punjab and another**. Learned counsel also submits that the petitioners have made representation and a notice was also served upon the respondents but no action has been taken so far. Even a reminder was also sent on 13.04.2016. The petitioners would be satisfied in case, directions are issued by this Court to take action on the representation/legal notice.

In view of the submissions made by learned counsel for the petitioners and without commenting anything on the merits of the case, the present writ petition is disposed of with a direction to respondent No.2 to consider the claim of the petitioners as has been made out in the legal notice as well as in this writ petition in view of the ratio of judgments as stated above and take necessary action in accordance with law within a period of three months from the date of receipt of certified copy of this order.

In case, the petitioners are found to be entitled for the aforesaid relief, the same be given to them within two months thereafter and in case, any adverse order is passed then the reasons thereof be mentioned of which, the petitioners are at liberty to avail the appropriate remedy.

09.08.2016
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

√
Yes/No

Whether Reportable

√
Yes/No