

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 17924 of 2016  
Date of decision:31.8.2016

Rajesh Kumar & ors.

... Petitioners

Versus

State of Haryana & ors..

... Respondents

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

Present: Mr. RK Malik, Sr. Advocate, with  
Ms. Rimple Kadyan, Advocate,  
for the petitioners.

**RAJIV NARAIN RAINA, J.(Oral)**

Mr. Malik, learned arguing senior counsel appearing for the cause of the petitioners submits that this matter is covered by the decisions of this Court, the text of which are placed at Annex P-5 to P-7 on the question of stepping up of the petitioners' pay at par with their juniors, of valuable rights which have been explained in CWP No.11254 of 2010 (Neelam Rani v. The State of Haryana & ors.) decided on May 15, 2013 (pg. 119 of the paper-book). The petitioners are in service.

Mr. Malik submits that the petitioners have not made any representation to the respondent-department. In the circumstances, this Court may consider issuing a direction to the 2<sup>nd</sup> respondent to consider their dispute by treating this petition as a representation and passing a speaking order on the claims. The request is worthy of acceptance as it is found genuine in its demand for justice.

Therefore, a direction is issued to the 2<sup>nd</sup> respondent to decide upon the grievance of the petitioners by treating this petition as a representation after hearing the petitioners in a representative capacity of no

more than three of them from amongst the array of parties, as of whom are best acquainted with the facts of the case and are duly authorized by the rest to represent them at the hearing before the officer who has the authority to decide the lis. It is expected that the 2<sup>nd</sup> respondent will faithfully implement the judgments of this Court relied upon by the petitioners which ex facie demonstrate a strong prima facie case in their favour since they are similarly situated to those who have already been granted the relief and if they are similarly placed in all circumstances, the 2<sup>nd</sup> respondent may have hardly any option except to implement and carry out faithfully the ratio of the judgments in conformity with equal opportunity mandates in Article 14 of the Constitution of India. Let the decision be taken within one month from the date of receipt of a certified copy of this order. In case any other petitioner approaches this Court for the same relief, the competent authority may be saddled with exemplary costs as against employees who are compelled to approach Court to claim their legitimate dues in protection of their constitutional right to property under Article 300-A of the Constitution of India which the prayer represents so as not to burden this court with further needless litigation on an issue which is recognised and declared by judicial precedent in the field covered.

With the above observations and directions, this petition stands disposed of.

(RAJIV NARAIN RAINA)  
JUDGE

31.08.2016  
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| <i>Whether speaking/reasoned</i> | <i>Yes</i> |
| <i>Whether reportable</i>        | <i>No</i>  |