

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 18542 of 2016
Date of decision:7.9.2016

Ashwani Kumar & ors.

... Petitioners

Versus

State of Haryana & anr.

... Respondents

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

Present: Mr. Subhash Ahuja, Advocate,
for the petitioners.

RAJIV NARAIN RAINA, J.(Oral)

Mr. Subhash Ahuja, learned counsel appearing for the petitioners submits that this matter is covered by the decision of this Court text of which is placed at Annex. P-9 to P-11 on the question of stepping up of the petitioners' pay at par with the juniors, of 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. 45). The petitioners are in service. They have served a legal notice, copy of which is at Annex P-12 through their counsel on the 2nd respondent, but he has not taken any decision thereon so far. Mr. Ahuja submits that in the circumstances, this Court may consider issuing a direction to the 2nd respondent to consider 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 2nd respondent to decide the legal notice [Annex P-12] 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. It is expected that the 2nd 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 situated, the 2nd respondent would have no option but to implement and carry out the mandate 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 signing authority of a valid order 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 so as not to burden this court with further 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

7.09.2016
monika

Whether speaking/reasoned *Yes / No*

Whether reportable *Yes / No*