

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

Civil Writ Petition No.6190 of 2016

Date of decision: 8.4.2016

Jatinder Kumar and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.R.K.Arora, Advocate,
for the petitioners.

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

RAJIV NARAIN RAINA, J. (Oral)

The prayer in this petition is identical to a bunch of four cases with CWP No.18644 of 2015; Gurmit Singh and others v. State of Punjab and others decided on 11.3.2016 by this Court. Those petitions have been allowed without saddling the respondent department with arrears arising out of re-fixation of pay/emoluments by permitting those employees who want to change their option to their benefits w.e.f. 1.7.2006 to 1.12.2006. The earlier option exercised by the petitioners has led to an anomaly where persons junior to the petitioners are in receipt of higher pay. Even when Gurmit Singh's case was decided, the dispute was no longer *res integra* and was covered by the Division Bench of this Court in **Randhir Kaur and**

others v. State of Haryana and others; 2003 (2) SCT 240 and a Single Bench decision of this Court in CWP No.7464 of 2009; Surinder Kumar and others v. State of Punjab and others decided on 25.2.2010.

Since the matter is squarely covered on all fours by judicial precedents, it would not be necessary to obtain view of the Government on an already decided issue.

Be that as it may, let notice of motion.

On the asking of this Court, Mr.Nikhil K. Chopra, Additional Advocate General, Punjab appears for the State of Punjab, accepts notice on behalf of the State and waives service on them. Mr.Arora has handed over a set of the paper-book to Mr.Chopra in Court. Mr.Chopra has gone through the decision in Gurmit Singh's case and read the prayers in this petition which match. As a result, this petition is allowed in the same terms as Gurmit Singh's case.

(RAJIV NARAIN RAINA)
JUDGE

April 8, 2016
Paritosh Kumar