

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

**Civil Writ Petition No.8068 of 2016
Date of Decision: April 29, 2016**

Darshan Singh & Anr.

...Petitioners

Versus

State of Punjab & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Pawan Kumar Goklaney, 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)

In this petition parity of treatment is claimed with Gurjant Singh and Major Singh, who were petitioners in CWP No.2810 of 2010 which petition was allowed by this Court vide order dated 20.04.2012. The petitioners including Gurjant Singh, Major Singh and Rajdeep Singh were involved in FIR No.17 registered under Section 420,467, 468 and 471, IPC in Police Station, Vigilance Bureau, Ferozepur, on 12.03.1998. They were Pump Operators. The petitioners as well as Gurjant Singh and Major Singh were arrested. However, Rajdeep Singh was lucky as he was able to secure anticipatory bail and therefore continued in service. On arrest, the services of the

petitioners as well as Gurjant Singh and Major Singh were terminated. All the persons involved in the FIR including the petitioners have been acquitted of the charges framed against them by the trial court. However, in the meanwhile, Rajdeep Singh, who had continued by virtue of grant of concession of anticipatory bail by court, reaped the benefit of his services being regularized while the petitioners faced criminal trial. Learned Single Judge applied principle of parity in Gurjant Singh and Major Singh cases as against Rajdeep Singh and directed reinstatement in service with consequential benefits except the pay and allowances for the period for which they did not work. By Office Order dated 24.11.2015, the services of Gurjant Singh and Major Singh have been regularized in terms of the policy dated 23.01.2001. A copy of the office order has been placed on record as Annex P-3. In these circumstances, Mr. Goklaney prays that a direction deserves be issued to the respondents to consider granting the same treatment as has been accorded to the other three colleagues. His client has raised a dispute through notice issued by the petitioner/s to the respondents vide letter dated 21.01.2016 requesting parity of treatment with Gurjant Singh, Major Singh and Rajdeep Singh. Since the matter appears not to be any more *res integra* it would be a sheer waste of time to call for the reply from the

respondents by issuing notice to them in a matter covered by judicial precedents and in case they are no distinguishing features found in the case of the petitioners as against the rest; then the respondents would consider and decide the legal notice within three weeks from the date of receipt of certified copy of this order in the light of dispensations already meted out to similarly placed persons as hardly any original decision-making process is left to be done.

Accordingly, this petition is allowed to the extent that a direction is issued to the respondents to consider and decide the notice in the above terms by a speaking order, if required. In case relief is found due and admissible on parity, then the same be granted in terms of the orders passed in CWP No.2810 of 2010 titled as ***Gurjant Singh & Anr. vs. State of Punjab & Ors.*** The monetary value of the relief shall be worked out and disbursed to the petitioners within the next three months.

April 29, 2016
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(RAJIV NARAIN RAINA)
JUDGE