

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 14193 of 2014

Date of decision: 12.12.2017

Abhimanyu Kumar and others**...Petitioners****V/s.****Union of India and others****...Respondents****CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI**

Present: Mr. M.S. Gill, Advocate for the petitioners.

Mr. Parminder Singh Kanwar, Sr. Panel counsel
for the respondents-UOI.

P.B. BAJANTHRI, J. (Oral)

In the instant petition, petitioners have sought the following reliefs: -

“i. For the issuance of a writ in the nature of mandamus and thereby for issuance of a direction to the respondents to decide the representation and the legal representation dated 25/02/2014, Annexure P-5, so as to remove the anomalies arising out of the recommendations of the report of the 6th Central Pay Commission whereby the issue of considering the up-gradation of the PAY SCALE and GRADE PAY of LDCs so as to bring them at par with equally qualified grades in the GREF service w.e.f. 01.01.2006 with a further direction, directing to place the LDCs in the pay scale of Rs.5200-20200 and Pay Band of Rs.2400/- which is being drawn by lesser qualified employees and attached to the post of Charge Mechanic and Charge Electrician, Postal Assistants (earlier LDCs) with effect from 01.01.1996 as per the 6th Central Pay Commission in view of the law settled by the Hon'ble Gauhati

High Court in WP (Civil) No. 51 of 2009 decided on 10.09.2010, Ghanshayam Vishwakarma Vs. The Director Border Roads Organization and others, Annexure P-2, which upheld by the division bench of Hon'ble High Court of Gauhati in writ appeal no. 19 of 2010 decided on 18.03.2011 and is further upheld in SLP (c) No. 14236 of 2011 decided on 01.11.2011, Annexure P-3, and the said judgment has been implemented by the Govt. of India (Secretary BRDB) vide communication dated 19.09.2012, Annexure P-4, but for the LDCs only in that case and on that basis the Director General Border Roads respondent no. 5 vide order dated 03.12.2012 has implemented the said judgment in respect of the LDCs only in that case;”

and further direction for re-fixation of pay scale.

Concerned respondent has passed a speaking order on 05.12.2017 with reference to grievance of the petitioners which is stated to be adverse to the petitioners. Since petitioners have sought for a direction for consideration of their representation and the same has been considered and a speaking order has been passed, therefore, the present writ petition do not survive for consideration.

Accordingly, petition is disposed of. Reserving liberty to the petitioners to file a fresh petition in challenging the speaking order dated 05.12.2017.

(P.B.BAJANTHRI)
JUDGE

12.12.2017

Divyanshi

Whether speaking/reasoned
Whether reportable

:
:

Yes/No
Yes/No