

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

Sr. No.110

Civil Writ Petition No.21898 of 2017
DECIDED ON: October 04, 2017

PRITAM SINGH AND OTHERS

..PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Alka Chatrath, Advocate, for the petitioners.

JASPAL SINGH, J. (ORAL)

By virtue of instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioners have sought issuance of a writ in the nature of mandamus, directing the respondents to consider the claim of the petitioners to exercise fresh option for grant of revised pay scale, as referred to in the service record in para-2, keeping in view the changed circumstances created by the change in Master Scale vide Notification issued on 24.12.1992 (P-1) in respect of pay fixation of the petitioners as the said claim of the petitioners is covered in terms of the instructions dated 24.01.2011 (P-6), 07.02.2011 (P-7) & 25.10.2012 (P-8) issued by the Government of Punjab, generalizing the same and also in view of the fact that said benefit has been allowed to similarly situated employees on the basis of judicial judgments/orders including in CWP No.7464 of 2009, Surinder Kumar and ors. vs. State of Punjab and ors. decided on 25.02.2010 (P-4) and CWP No.21889 of 2010, Darshan Singh vs. State of

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Punjab & ors. decided on 25.02.2016 (P-10) and as per orders of the Government/Education Department dated 15.03.2017 (P-12) as the action of the respondents in not allowing the petitioners to exercise fresh option in view of changed circumstances as well as to grant the petitioners all consequential benefits accruing therefrom on account of their submissions of fresh option i.e. re-fixation of pay, re-fixation of pension and other retiral benefits along with payment of arrears of salary/revised pensionary benefits with interest @ 18% per annum.

2. Learned counsel for the petitioners submits that though a legal notice dated May 03, 2017 (Annexure P-13) was moved to the respondents but till date, no action has been taken. He further submits that petitioners feel satisfied in case direction is given to respondents to decide the aforesaid legal notice, within a stipulated period.

3. Accordingly, instant petition is disposed of with the direction to respondents to look into the grievances unfolded by the petitioners in the legal notice dated May 03, 2017 (Annexure P-13) and take a conscious decision in the light of the judgment Dated March 11, 2016, CWP No.18644 of 2015 captioned as Gurmit Singh & ors. vs. State of Punjab & ors. along with other connected cases, within a period of three months from the date of receipt of a certified copy of this order.

4. However, in case, petitioners still feel aggrieved of the order passed by concerned authority, they shall be at liberty to approach this Court.

October 04, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes/No
Yes/No**