

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.116

Civil Writ Petition No.24059 of 2017
DECIDED ON: October 25, 2017

NIRAKAR

..PETITIONER

VERSUS

HARYANA POWER GENERATION CORPORATION LIMITED
AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Jaspal Singh Maanipur, Advocate, for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of instant petition preferred under Article 226 of the Constitution of India, petitioner has sought issuance of a writ especially in the nature of mandamus thereby directing the respondents to grant benefit of judgment of this Court in case of *Sudesh Kumar Vs. Haryana Power Generation Corporation Ltd. and another*, CWP No.12059 of 2009 decided on 08.04.2015 (Annexure P-3), which was implemented vide order No.15 dated 11.01.2017 (Annexure P-4) as well as CWP No.16395 of 2017, captioned as *Gurmeet Singh vs. Haryana Power Generation Corporation Ltd. and ors.* decided on 27.07.2017 (Annexure P-5) which was implemented vide office order No.597, dated 06.10.2017 (Annexure P-6) whereby the similarly situated employee like the petitioner and junior to the petitioner i.e. Sh. Gurmeet Singh was granted the retrospective promotion as Turbine Operator with effect from the date Sh. Kanshi son of Sh. Jadu Ram, who is junior to the petitioner, as the petitioner and Sh. Sudesh Kumar as well as Sh. Gurmeet Singh are in identical situation and there is no

Civil Writ Petition No.24059 of 2017

difference between them and grant him all the consequential benefits including pensionary benefits along with interest @ 9% p.a. or in the alternative, the respondents be directed to take final decision on the legal notice (Annexure P-7), which has been kept pending without any decision in terms of law laid down by the Hon'ble Apex Court of India in case of ***State of Karnataka and others Vs. C. Lalitha, 2006(2) RSJ 19*** and law laid down by this Court in case of ***Satbir Singh Vs. State of Haryana and others, 2002(3) RSJ 38.***

2. At the very outset, learned counsel for the petitioner submits that petitioner feels satisfied in case a direction is issued to official respondents No.1 and 2 to decide legal notice dated 24.08.2017 (Annexure P-7) within a stipulated period.

3. Instant petition is disposed of with a direction to official respondents No.1 and 2 to look into the grievances unfolded by the petitioner in his legal notice dated 24.08.2017 (Annexure P-7) and to decide the same in accordance with law particularly in view of judgment passed in CWP No.10907 of 2011 decided on 21.10.2011 captioned as ***Braham Gupta and others Vs. Haryana Power Generation Corp. Ltd. and others*** as well as CWP No.12059 of 2009 decided on 08.04.2015 captioned as ***Sudesh Kumar Vs. Haryana Power Generation Corp. Ltd. and another,*** within a period of three months from the date of receipt of certified copy of this order.

October 25, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**