

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

Sr. No.119

Civil Writ Petition No.25533 of 2017
DECIDED ON: November 09, 2017

TARSEM SINGH AND OTHERS

..PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Vikas Chatrath, Advocate, for the petitioners.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition, preferred under Article 226/227 of the Constitution of India, petitioners have sought the issuance of a writ in the nature of certiorari for quashing the action of respondents in not considering and allowing the claim of the petitioners to exercise fresh date of option w.e.f. January 01, 1993 instead of earlier date of options submitted by them and consequently to reconsider their claim for change of date of option especially in terms of Punjab Government Instructions dated January 24, 2011 (P-6), February 07, 2011 (P-7) and October 25, 2012 (P-8) whereby grant of benefit for allowing the change of date of option was generalized and further directing the respondents to allow petitioners to change their option w.e.f. January 01, 1993 instead of earlier date of option for grant of revised pay scale as referred in service record, keeping in view the changed circumstances created by the change in Master Scale vide Notification issued on December 24, 1992 (P-2) in

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respect of pay fixation of the petitioners as the said claim of the petitioners is covered in terms of the above instructions and further to extend benefit as granted to similarly situated employees in CWP No.7464 of 2009 titled as Surinder Kumar & ors. vs. State of Punjab & ors. decided on February 25, 2010 (P-4) along with 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 retirements benefits with payment of arrears of salary/revised pensionary benefits with interest @ 18% per annum.

2. Learned counsel for the petitioners contends that though a legal notice was made to the respondents on November 04, 2017 (P-14) but till date neither any reply to the said legal notice has been received nor any final order has been passed by the respondents.

3. Learned counsel for the petitioners further submits that they feel satisfied in case a direction is issued to respondents to decide the legal notice dated November 04, 2017 (P-14) in a time bound manner.

4. Instant petition is disposed of with a direction to respondents to look into the grievances unfolded by the petitioners in the legal notice dated November 04, 2017 (P-14) and to take a conscious decision by passing a speaking order in light of the judgment passed in ***CWP No.18644 of 2015 captioned as Gurmit Singh & ors. vs. State of Punjab & ors. decided on March 11, 2016 (P-11)*** within a period of three months from the date of receipt of a certified copy of this order.

November 09, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**