

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.130

Civil Writ Petition No.16972 of 2018
DECIDED ON: July 13, 2018

M.S. ROHILLA AND OTHERS

..PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. B.S. Mittal, Advocate,
for the petitioners.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition, preferred under Articles 226 of the Constitution of India, petitioners have sought issuance of a writ in the nature of Mandamus directing the respondents to re-fix their pay in terms of judgment dated 23.04.1990 passed in CWP No.5563-A of 1989 captioned as *Nitya Nand vs. State of Haryana & ors.* (P-4) and another judgment dated 24.07.2000 passed in CWP No.16084 of 1997 titled as *Dharm Pal Singh vs. State of Haryana* (P-5) as well as judgment dated 08.12.2015 passed by the Hon'ble Apex Court in SLP No.8661 of 2009 WITH FURTHER to re-fix their pay by restoring the deductions made from payment of Additional Dearness Allowances w.e.f. 01.04.1979 onwards in view of above mentioned judgments and release the arrears along with interest @ 18% p.a.

2. Learned counsel for the petitioners contends that though representation dated 26.09.2017 (P-9) followed by legal notice dated 07.04.2018 (P-10) were made to the respondents but till date no response has been received so far. He further submits that petitioners feel satisfied in case a direction is issued to respondent No.3 to decide the aforesaid legal notice (P-10), within some specified period.

3. Instant petition is disposed of with a direction to respondent No.3 – Managing Director, Dakshin Haryana Bijli Vitran Nigam, Hisar to consider the grievances unfolded by the petitioners in the legal notice dated 07.04.2018 (P-10) and to take a conscious decision by passing a speaking order in the light of the judgments referred to above in para no.1 of this order, within a period of three months from the date of receipt of a certified copy of this order.

4. In case, petitioners still feel aggrieved by any of the orders passed by the aforesaid authority, they shall be at liberty to have recourse to the remedies available under law and/or to approach this Court.

July 13, 2018
Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No