

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.129

Civil Writ Petition No.19363 of 2018
DECIDED ON: August 06, 2018

SOM NATH BUDHIRAJA AND OTHERS

..PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Lekh Raj Nandal, Advocate, for the petitioners.

JASPAL SINGH, J. (ORAL)

Through the 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 fix their pay in view of the judgment dated 11.08.2003 (P-1) passed by this Court in CWP No.4518 of 2000 captioned as ***R.K. Gupta & ors. vs. State of Haryana & ors.***, as the other employees/petitioners have been granted the benefit of above stated judgment in view of order dated 28.03.2017 (P-3) passed by Additional Chief Secretary to Government of Haryana as the petitioners are also similarly affected person from the inaction of the respondent and to re-fix their pay by restoring the deductions made from the payment of additional Dearness Allowance w.e.f. 01.05.1973 onward along with arrears WITH FURTHER issuance of a writ in the nature of mandamus directing the respondents to calculate and release the arrears to them in consequence of re-fixation of their pay along with interest @ 18% p.a.

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2. Learned counsel for the petitioners contends that though a representation dated 10.11.2017 (P-10) was made to the respondents but till date no conscious decision has been taken by the concerned department. He further submits that petitioners feel satisfied in case a direction is issued to respondent No.3 to decide the aforesaid representation (P-10) in the light of judgment referred to above in para no.1 of this order, within some stipulated period.

3. Instant petition is disposed of with a direction to respondent No.3 – Director General Secondary Education, Haryana, Siksha Sadan, Sector 5, Panchkula to look into the grievances unfolded by the petitioners in the representation dated 10.11.2017 (P-10) and to take a conscious decision by passing a speaking order in the light of judgment referred to above in para no.1 of this order, within a period of four months from the date of receipt of a certified copy of this order.

4. However, if 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.

August 06, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**