

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.19929 OF 2018
DECIDED ON: AUGUST 10, 2018

RAKESH KUMAR AND OTHERSPETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Riti Aggarwal, Advocate
for the petitioners.

JASPAL SINGH, J.

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioners have sought issuance of a writ especially in the nature of mandamus directing the respondents to release the benefit of one premature increment for non-participation in the strike dated 08.02.1978 in terms of judgment passed in CWP No.3504 of 1989, "***Ramesh Chander & ors. v. State of Punjab and ors.***", decided on 18.05.2009 which is affirmed by the Hon'ble Supreme Court and in terms of CWP No. 1863 of 1993, "***Amarjit Kaur and ors. v. State of Punjab and ors.***", decided on 03.10.2013 with all consequential benefits arising out of re-fixation of pay and pension with interest @ 12% p.a.

2. At the very outset of the arguments, learned counsel for the petitioners submits that though legal notice dated 29.05.2018 (P-6) was duly

served upon the respondents but till date neither any response has been received nor any decision has been taken thereon. She further submits that petitioners feel satisfied in case direction is issued to respondent No.2 to decide the afore-said legal notice in a time bound manner.

3. Accordingly, instant petition is disposed of with a direction to respondent No.2-Director of Public Instructions (SE), Punjab PSEB Complex Sector 62, Mohali to consider the case unfolded by the petitioners in legal notice (P-6) and to decide the same in the light of judgment passed by this Court in CWP No. 3504 of 1989, titled as ***“Ramesh Chander and ors. v. State of Punjab and ors.”***, decided on 18.05.2009 (P-2), which has attained finality vide order dated 27.04.2015 passed by Hon'ble Apex Court (P-3), within a period of three months from the date of receipt of certified copy of this order.

4. However, if petitioners still feel aggrieved against any order passed by the aforesaid authority, they shall be at liberty to have recourse to the other remedies available under law as well as to approach this Court.

AUGUST 10, 2018
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes/No</i>