

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

Sr. No.108

Civil Writ Petition No.2562 of 2018
DECIDED ON: April 17, 2018

HARBHAJAN SINGH

..PETITIONER

VERSUS

UNION OF INDIA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Pawan Kumar Sharma, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ particularly in the nature of Mandamus directing the respondents to disburse the transport allowance under the provision of GOI MOF, Department of Expenditure M No.21(1)/97 E-II(B) dated 03.10.1997, OM No.21(2)/97-E-II(B) dated 29.08.2008 & OM dated 01.08.2012 & 07.03.2014 (P-2) @ Rs.7000/- p.m. being paid to similarly situated officer vide memo dated 26.09.2014 (P-3) and training allowance @ 30% on the basis of authority of GOI, Ministry of Personnel Public Grievance and pension Department of Personnel & Training (Training Division) OM No.13024/1/2008 dated 05.09.2008 sanctioned to similarly situated employees vide order dated 27.04.2015 (P-10) w.e.f. 10.12.2011 to

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30.04.2015, Non-functional Financial Up-gradation (NFFU) in Pay Band (PB-4 after acceptance of recommendations of 6th CPC being granted to all posts in CAPFs have been shown as part of same Group A Central Civil Services – Paramilitary forces BSF, CRPF, ITBP & CISF shown at Sr. Nos.22 to 25 in Table 4.1 a list of all organized Group A Central Civil Services and the OM dated 19/20/11/2009 & 28.10.2010 has been quashed by the Hon'ble Division Bench in case G.J. Singh vs. UOI WP (c) 53 of 2013 decided on 03.09.2015 (P-6).

2. Learned counsel for the petitioner contends that though a legal notice dated 13.02.2017 (P-12) was made to the respondents but till date no conscious decision has been taken so far. He further submits that he feels satisfied in case a direction is issued to respondent No.2 to decide the above said legal notice (P-12) within some specified period.

3. Instant petition is disposed of with a direction to respondent No.2- The Director General, Indo Tibetan Border Police, Ministry of Home Affairs, Block No.2, CGO Complex, Lodhi Road, New Delhi to consider the legal notice dated 13.02.2017 (P-12) and to take a conscious decision by passing a speaking order considering all the facts narrated in the aforesaid legal notice, within a period of four months from the date of receipt of a certified copy of this order. However, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority, he shall be at liberty to approach this Court.

April 17, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**