

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 5028 OF 2017
DECIDED ON: JANUARY 16, 2018

DARSHAN SINGH AND ANOTHERPETITIONERS

VERSUS

MUNICIPAL CORPORATION, CHDRESPONDENTS
AND OTHERS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. P.K. Goklaney, Advocate,
for the petitioner.

None for the respondents.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioners have sought the issuance of writ of certiorari for quashing of Punjab Government Circular dated 13.06.2012 (P-11) and for issuing a writ in the nature of mandamus directing the respondents to re-fix their pension as per Government circular dated August 17, 2009 (P-8), February 22, 2010 (P-9) and August 17, 2009 (P-10) on account of increase in pay scales/grade pay and revised pensionary benefits notionally especially in view of the judgment passed by this Court in CWP No. 273 of 2014, titled as ***“Jagdish Singh and others v. State of Punjab and others”***, decided on February 16, 2017 (P-14).

2. Notice of motion was issued on 14.03.2017 but till date no reply/written statement has been filed by the respondents.

3. Learned counsel for the petitioners submits that though petitioners served a legal notice dated December 26, 2016 (Annexure P-15) upon the respondents but till date, no action has been taken by the concerned authority. He submits that petitioners feel satisfied in case direction is issued to respondent(s) to decide the aforesaid legal notice within a stipulated period. He further submits that the case of the petitioners is squarely covered within the parameters laid down by this Court in case **CWP No.25733 of 2012**, titled as **“A.P. Sharma and others v. State of Punjab and others”**, decided on October 22, 2013.

4. Accordingly, instant petition is disposed of with a direction to respondent(s) to look into the grievances unfolded by the petitioners in the legal notice dated December 26, 2016 (Annexure P-15) and to take a conscious decision in accordance with law as well as in the light of **A.P. Sharma's** case (supra) and **Jagdish Singh's** case (supra) within a period of four months from the date of receipt of certified copy of this order. In case the authority comes to the conclusion that petitioners are entitled to the relief(s) claimed, the arrears thereof, shall stand restricted to a period of 38 months, in view of Full Bench judgment passed by this Court in the case of **Saroj Kumari vs. State of Punjab; 1998 (3) SCT 664**, as well as the judgment passed by this Court in CWP No. 18804 of 2017, titled as **Dharamveer Maini & others vs. Punjab State Power Corporation Ltd. & others**; decided on August 23, 2017.

5. However, in case the petitioners still feel aggrieved of the order

passed by the authorities concerned, they shall be at liberty to approach this Court.

JANUARY 16, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *Yes*