

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

Sr. No.114

Civil Writ Petition No.5837 of 2018
DECIDED ON: March 12, 2018

ANIL KUMAR SHARMA AND OTHERS

..PETITIONERS

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sandeep Panwar, 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 the issuance of a writ especially in the nature of Certiorari to quash the deduction/cut order vide offending part of paragraph nos.3 & 4 of Annexure P-3 in respect of ad hoc relief allegedly paid in excess and further issuance of writ in the nature of Mandamus directing the respondents to restore the deduction made from the payment of additional dearness allowance and re-fix the pay and pension of the petitioners in the revised scale as introduced w.e.f. 01.04.1979, 01.01.1986 and 01.01.1996 after restoring the deduction/cut of alleged excess payment of ad hoc relief and after giving fresh options to them and further directing the respondents to pay arrear of pay/pension accruing due

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to the restoration of the deduction/cut along with interest in view of the decision dated 11.08.2003 passed in CWP No.4518 of 2000 titled as ***R.K. Gupta & ors. vs. State of Haryana and ors.*** which was passed by referring the already similar writs allowed on the same issue by this Court and Hon'ble Apex Court (P-5) and decision dated 08.12.2015 passed in Civil Appeal No.8661 of 2009 captioned as ***State of Haryana & ors. vs. R.K. Gupta & ors.***, against the said order by this Court, which was dismissed by the Hon'ble Apex Court.

2. At the very outset of the arguments, learned counsel for the petitioners submits that they feel satisfied in case a direction is issued to respondent No.1 to decide the legal notice dated July 28, 2017 (P-8) in a time bound manner.

3. Instant petition is disposed of with a direction to respondent No.1 to look into the grievances unfolded by the petitioners in the aforesaid legal notice dated July 28, 2017 (P-8) and to take a conscious decision by passing a speaking order in the light of the judgment mentioned 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. In case, non compliance of this order, petitioners shall be at liberty to approach this Court.

March 12, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**