

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CWP- 8854 -2018

Date of decision : December 07, 2018

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DR. SHYAM SUNDER AHUJA AND OTHERS

.....Petitioners

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. Anil Kumar Sharma, Advocate,
for the petitioners.

Mr. Gaurav Jindal, Addl.A.G., Haryana.

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RITU BAHRI, J.

The petitioners are seeking directions to the respondents to re-fix the pay of the petitioners in light of judgement dated 3.10.2016 passed by this Court in "CWP No. 3922 of 2011" titled, 'Narender Pal Singh Arya and another vs. State of Haryana and others' (and other connected matters). Vide this judgement, the impugned orders of re-fixation and downgrading the pay of the petitioners were held to be illegal. As a result, the re-fixation of pay of the petitioners was ordered to be set aside. The recovery order was also set aside. It was ordered that the petitioners who were in service shall continue to draw the salary as drawn earlier. The petitioners, who had retired were ordered to continue to draw the pension as fixed earlier.

Counsel for the petitioner has informed that LPA No.2460 of 2017 filed against the aforementioned judgement has also been dismissed.

Thereafter, the order has been complied with and the necessary benefit has been released to the petitioners during the pendency of COCP No.1326 of 2017 and the Rule was discharged on 30.11.2018. However, it was ordered that the payment would be subject to outcome of SLP filed by the State of Haryana.

Learned State counsel appearing for the State of Haryana, in the present case, has not filed any reply. Learnd State counsel has informed that the file pertaining to the present petitioners has already been sent to the Department. However, keeping in view that order in *Narender Pal Singh Arya's case (supra)* has now been implemented as is evident from the order dated 30.11.2018 passed in COCP No.1326 of 2017, this petition is being disposed of with a direction to the respondents to give the necessary relief to the petitioners in view of the judgement in *Narender Pal Singh Arya's case (supra)* (Annexure P-5) with a condition that the judgement would be subject to the outcome of the SLP filed by the State of Haryana. At this stage, keeping in view that the aforementioned orders are not in dispute between the parties, there is no need to the State to file reply. Keeping in view that the matter has already been recommended to the Finance Department, this writ petition is being allowed and the benefit be given to the petitioners within a period of four months of receipt of a certified copy of this order.

07.12.2018

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**(RITU BAHRI)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

No