

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

Sr. No.119

Civil Writ Petition No.9770 of 2018
DECIDED ON: April 23, 2018

ASU RAM 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)

By virtue of 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 ordered vide offending part of paragraphs 3 & 4 of annexure P-3 in respect of ad hoc relief allegedly paid in excess and further a 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

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them and further directing the respondents to pay to them arrears of pay/pension accruing due to the restoration of the cut/deduction along with interest in view of the decision dated 11.08.2003 passed in CWP No.4518 of 2000 captioned as ***R.K. Gupta & ors. vs. State of Haryana & 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 2008 titled as ***State of Haryana & ors. vs. R.K. Gupta & ors.*** filed against the said order by the State of Haryana, which was dismissed by the Hon'ble Apex Court (P-5).

2. Learned counsel for the petitioners contends that similarly situated employees/retirees earlier filed CWP No.4518 of 2000 captioned as ***R.K. Gupta & ors. vs. State of Haryana & ors.*** granting the similar benefits, which have been sought through the instant petition and the said writ petition was allowed by this Court vide order dated 11.08.2003. Aggrieved against the said order, State of Haryana & ors. approached the Hon'ble Apex Court, which stood dismissed vide order dated 08.12.2015 passed in Civil Appeal No.8661 of 2009 captioned as ***State of Haryana & ors. vs. R.K. Gupta.*** The said judgment has attained finality. Subsequently, in pursuance of the order passed by this Court and upheld by the Hon'ble Apex Court referred to above, Government of Haryana issued Notification dated 28.03.2017 (P-7) but restricted the relief only to the petitioners in the aforesaid cases. The petitioners are also similarly situated persons. Learned counsel for the petitioners further submits that petitioners feel satisfied in case a direction is issued to respondents to decide the legal notice dated 28.07.2017 (P-8) in a time bound manner.

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3. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondents to look into the grievances unfolded by the petitioners in the legal notice dated 28.07.2017 (P-8) and to take a conscious decision by passing a speaking order in the light of the judgments 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. However, if petitioners still feel aggrieved by any of the orders passed by the aforesaid authority, they shall be at liberty to approach this Court.

April 23, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

Yes/No