

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

**Civil Writ Petition No. 2442 of 2019 (O&M)
Date of decision : 09.07.2019**

Jaswinder Singh & Ors.

... Petitioner

versus

State of Punjab & Ors.

... Respondents

CORAM:-HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. V.K. Shukla, Advocate
for the petitioners.

Ms. Anu Chatrath, Sr. Advocate with
Ms. Ambika Bedi, AAG Punjab

ARUN MONGA, J(ORAL)

CM-9380 of 2019

Application is allowed, as prayed for.

CWP No. 2442 of 2019

The petitioners herein, *inter alia*, pray for counting of their service rendered by them as Supervisors in Adult Education Scheme, before joining with the respondents, for all intents and purposes.

Learned counsel for the petitioner, at the outset, submits that the petitioners are willing to suffer consequences of delay if the benefits arising on account of re-fixation of pay is restricted to 38 months from the filing of the petition, keeping in view the mandate of Hon'ble the Apex Court in **Union of India & Ors. Vs. Tarsem Singh, 2008(4) SCT 19** read with Full Bench judgment of this Court in **Saroj Kumari Vs. State of Punjab, 1998(3) SCT 664**. Therein it has been held that there is recurring cause of action in the matters of re-fixation of pay and in case of delay, the arrears can be confined but the future benefits arising therefrom cannot

be denied to a serving employee. He further submits that similarly situated persons have been given the benefit, as reflected from order dated 13.07.2001(Annexure P-2) and he fairly concedes that the petitioners are also willing to suffer same consequences as recorded in the said order that they would not get their pensionary and seniority benefits as their break in service was more than one year.

Notice of motion.

Learned Senior counsel appearing on behalf of State of Punjab submits that on advance service of copy of petition, short affidavit has already been filed.

Given the nature of order being passed, no further proceedings or pleadings are required.

The writ petition is disposed of with a direction to respondents to pass a speaking order by objectively considering the contentions as raised in the legal notice dated 21.05.2018(Annexure P-3) along with the contents of the instant writ petition by treating the same as supplementary representation as also keeping in view the contentions of learned counsel for the petitioners, as noted above, in accordance with law.

Let the needful be done within a period of three months from the date of receipt of certified copy of this order.

09.07.2019
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(ARUN MONGA)
JUDGE