

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6763-2019

Date of decision: - 13.03.2019

Mehar Singh Dhaka

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Rajinder Singh Malik, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Counsel for the petitioner states that similarly situated persons, from whom also, the benefit for one increment was withdrawn w.e.f. 01.09.2009 and recovery was effected, their cases have been allowed by this Court while deciding CWP No.3922 of 2011 titled as 'Narender Pal Singh Arya and another Vs. State of Haryana and others', decided on 03.10.2016 alongwith other connected cases.

Counsel for the petitioner states that after the said judgment had attained finality, instructions were issued by the Government of Haryana on 15.03.2018 (Annexure P-6), but the benefit has only been restricted to the petitioners, who had approached this Court.

Counsel for the petitioner states that once the notification dated 09.04.2010 (Annexure P-4) has been set aside, therefore, the recovery done from the petitioner becomes illegal and he is also entitled for the same benefit, as extended to the petitioners in CWP No.3922 of

2011 alongwith other connected cases, decided on 03.10.2016.

Before approaching this Court, the petitioner has not approached the respondents for the grievance, which has been raised by him in the present writ petition.

Counsel for the petitioner states that the petitioner will file representation with the respondents claiming the relief as noticed above and prays that the respondents be directed to decide the said representation in a time bound manner.

In view of the above request, the present writ petition is disposed of with the direction to the petitioner to file a representation in respect of the claim made in the present writ petition with the respondents within a period of four weeks from today. In case any representation is filed by the petitioner, the same shall be decided by the respondents expeditiously in view of the law laid down by this Court as noticed above by passing a speaking order. Further, in case the petitioner is found entitled for the relief, the same shall also be extended to him as well.

It is made clear that this Court does not express any opinion on the merits of the case and the claim being made in the present writ petition or the representation to be filed by the petitioner before the respondents.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

March 13, 2019
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Whether reasoned/speaking?
Whether reportable?

Yes
No