

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

(109)

CWP-7632-2019

Date of Decision: March 20, 2019

Khilari Ram and another

.. Petitioners

Versus

Managing Director, DHBVNL and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Thakan, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the challenge is to the re-fixation orders Annexures P-3 and P-4 by which the pay of the petitioners was refixed as far as back in the year 2004.

Learned counsel for the petitioner states that the said action was also taken by the respondents against one Sh. Sadhu Ram, who approached this Court by filing CWP No.9924 of 2011 and this Court allowed the relief and set aside the order of re-fixation.

Learned counsel for the petitioner states that even the Letter Patent Appeal No.333 of 2014 filed by the respondent-Corporation against the judgment of the learned Single judge dated 14.08.2013, was also dismissed on 10.03.2014.

Learned counsel for the petitioners further states that as the petitioners are similarly situated, the petitioners were also entitled for the said relief. No justification has been given by the counsel for the petitioner as to why the petitioner has approached this Court after a delay of 14 years

and that too in respect of re-fixation, which was done by the respondents when the petitioners were in service.

Learned counsel for the petitioners states that the wrong fixation done by the respondents is a recurring cause and therefore the delay would not come in the way of the petitioners.

Learned counsel for the petitioners further states that the petitioners have filed representations dated 21.12.2018 (Annexures P-7) and dated 21.12.2018 (Annexure P-8) with the respondents and the same is still pending consideration with the respondents and the petitioners will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the representation dated 21.12.2018 (Annexures P-7) and dated 21.12.2018 (Annexure P-8) by passing an appropriate speaking order.

Notice of motion.

On asking of the Court, Mr. Charanjit Singh Bakhshi, Addl. A.G., Haryana, present in the Court accepts notice.

Learned counsel for the respondents states that the State has no objection in deciding the claim of the petitioners as being prayed by them in the representations in a time bound manner.

Without commenting upon the merits of the case or about the entitlement of the petitioners for the relief which has been claimed by them in the representation dated 21.12.2018 (Annexures P-7) and dated 21.12.2018 (Annexure P-8), the present writ petition is disposed of with a direction to the respondents to decide the representation dated 21.12.2018 (Annexures P-7) and dated 21.12.2018 (Annexure P-8) within a period of three months from the receipt of certified copy of this order.

However, it is made clear that in case the petitioners are found entitled for any relief, the arrears will only be restricted to three years and two months before the filing of the present writ petition and the same be released in further three months of passing such speaking order.

March 20, 2019

harsha

**(HARSIMRAN SINGH SETHI)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No