

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

(138)

CWP-10359-2019

Date of Decision: April 22, 2019

Brij Bhan Malik

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.K. Malik, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner contends that the petitioner is similarly situated as petitioners in CWP No.3379 of 2017 titled as Balwan Singh Sahu Vs. State of Haryana who have been granted the benefit, as being prayed/claimed by the petitioner in the present writ petition.

Learned counsel for the petitioner states that not only this but other similarly situated personnel, who approached this Court, has been allowed the benefit. Learned counsel for the petitioner states that rather than forcing all the employees to approach this Court for the grant of benefit as extended to the similarly situated personnel, the same should have been extended by respondents themselves to the similarly situated personnel such as the petitioners herein.

Learned counsel for the petitioner further states that the petitioners in CWP No.3379 of 2017 titled as Balwan Singh Sahu Vs. State of Haryana, were granted the first higher standard pay scale of Rs.2000-3200/- and second higher standard pay scale of Rs.2000-3500/- notionally w.e.f. 01.01.1994 and actually w.e.f. 08.12.2009 subject to the fulfillment of the terms and conditions of the higher standard pay scale scheme dated

08.02.1994.

Learned counsel for the petitioner states that though the petitioner is fully eligible under the said scheme of 08.02.1994 but the benefit has not been extended to the petitioner as extended to the similarly situated personnel only on the ground that the petitioner has not approached this Court.

Learned counsel for the petitioner states that for the relief which has been claimed in the present writ petition, the petitioner has served the respondents with a legal notice dated 25.11.2018 (Annexure P-12) and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the legal notice dated 25.11.2018 (Annexure P-12) by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the legal notice dated 25.11.2018 (Annexure P-12), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 25.11.2018 (Annexure P-12) within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioner is entitled for any monetary benefits after the decision of the legal notice, the same should also be paid to him within three months thereafter.

April 22, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes
Whether reportable: No