

Sr. No.237

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

CWP No.10616 of 2019 (O&M)

Date of Decision: 26.11.2019

Sukhwinder Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Ranjivan Singh, Advocate,
for the petitioners.

Ms. Monica Chhibber Sharma, Sr. DAG, Punjab.

ARUN MONGA, J.(ORAL)

1. Prayer of the petitioner at the time of filing the writ petition was to seek quashing of Notification dated 26.03.2019 (Annexure P-14) and for grant of consequential benefits.

2. However, during pendency of the writ petition, the Notification impugned herein has since been withdrawn. To that extent, writ petition is rendered infructuous.

3. Grievance of the petitioners that requires adjudication now is with regard to period qua which arrears of salary are to be disbursed to them.

4. In the return filed on behalf of the respondents, following candid stand has been taken:-

“3. That now the Government of Punjab, Department of Finance has issued notification vide No.5/138/2009-3 FPI/870 dated 20.06.2019 for implementation of order passed by the Hon'ble Punjab

and Haryana High Court in terms of order dated 20.05.2013 passed by the Hon'ble Punjab and Haryana High Court in Civil Writ petition No.16446 of 2010 titled as Jaswinder Singh Bedi and others Vs. State of Punjab and others may be implemented in letter and spirit. Arrear of 38 months prior to the date of filing the respective writ petition shall be paid on the basis of judgment passed by Supreme Court of India in Civil Appeal No.5151-5252 of 2008 (Arising out of SLP (C) Nos.3820-3821 of 2008) titled as Union of India & others Vs. Tarsem Singh. The copy of same is annexed as annexure R-2.

4. *That on the basis of instruction dated 20.06.2019 the benefit of 4/9/14 Assured Career Progression Scheme will be granted accordingly to the petitioners. Therefore no cause of action arose to the petitioners to file the present writ petition before this Hon'ble Court."*

5. Having heard arguments of learned counsel for the petitioners and learned State counsel, I am of the view that the aforesaid stand taken by the respondents is not sustainable in view of the ratio of the judgment rendered by this Court in CWP No.16446 of 2010 decided on 20.05.2013 contained at Annexure P-

6. My senior brother, Augustine George Masih, J. speaking for this Court held as below:-

"The writ petition is, therefore, allowed. Impugned order dated 29.04.2010 (Annexure P-4) is hereby quashed. Petitioners are held entitled to the benefit of the instructions dated 3.11.2006. The consequential benefits be released to the petitioners within a period of three months from the date of receipt of certified copy of this order. In case of petitioners, who

have not yet opted for the applicability of the Scheme dated 03.11.2006, must give their option within a period of one month from today and their claim be also considered and decided by the respondents as per the time stipulated here-in-above.”

6. The above judgment has since attained finality and I see no reason why the benefit of the same be not accorded to the petitioners on parity with the similarly situated persons, who have been granted the same benefit pursuant to the directions/ratio of the judgment, *ibid*.

7. Writ petition is, accordingly, disposed of with directions in terms of ratio rendered by this Court in CWP No.16446 of 2010 read with orders passed by this Court in CWP No.32849 of 2019 wherein similarly situated persons have been granted the same benefit.

26.11.2019

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No