

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-11266-2019

Date of decision: - 01.05.2019

Jagdish Prashad and others

....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Amandeep Saini, Advocate
for Mr. Sanjay Verma, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance of the petitioner is that though the claim of the similarly situated personnel has been allowed by this Court while deciding CWP No.4518 of 2000 on 11.08.2013 titled as 'R.K. Gupta and others Vs. State of Haryana and others', and the said order has already been upheld by the Hon'ble Supreme Court of India, still the claim of the petitioners for the grant of the same relief has been declined, vide impugned order dated 26.09.2017 (Annexure P-10) only on the ground that the relief is only to be granted to the petitioners, who had approached this Court and not to all the other similarly situated employees.

Counsel for the petitioners states that as per the settled principle of law settled by the Division Bench of this Court in Satbir

Singh Vs. State of Haryana, 2002(2) SCT 354, once the question of law attains finality, the benefit is to be extended to all the similarly situated employees and therefore, the ground given by the respondents in the impugned order (Annexure P-10) to decline the claim of the petitioners is contrary to the settled principle of law.

Notice of motion.

Mr. Charanjit Singh Bakhshi, Addl. A.G., Haryana, accepts notice on behalf of the respondents-State.

Counsel for the petitioners states that at this stage the petitioners will be satisfied in case the representation dated 03.04.2019 (Annexure P-8) will be decided on merits in a time bound manner.

Counsel for the respondents-State very fairly states that as the case of the petitioners has not been considered on merits and was only rejected on the ground that they were not the parties to the writ petitions where the claim, as made in the present writ petition, was allowed. He states that representation of the petitioners dated 03.04.2019 (Annexure P-8), which has been made to the Director General of Police, Haryana, will be decided on merits keeping in view the settled principle of law within a period of three months from the date of receipt of certified copy of this order.

Counsel for the respondents-State further states that the impugned order dated 26.09.2018 (Annexure P-10) will be ignored while passing the order on merits and while ascertaining the right of the petitioners for the grant of relief, as extended to the similarly situated employees by this Court while deciding CWP No.4518 of 2000, which

order has already been upheld upto the Hon'ble Supreme Court.

Keeping in view the statement given by the counsel for the respondents, the present writ petition is disposed of with a direction to the respondents to decide the representation dated 03.04.2019 (Annexure P-8) of the petitioners, by passing an appropriate speaking order on merits and by ignoring the impugned order dated 26.09.2017 (Annexure P-10), within a period of three months from the date of receipt of certified copy of this order.

It is made clear that this Court expresses no opinion on the merits of the case or entitlement of the petitioners in respect of the claim made in the writ petition/representation.

(HARSIMRAN SINGH SETHI)
JUDGE

May 01, 2019
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Whether reasoned/speaking?	Yes
Whether reportable?	No