

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.15065 of 2019 (O&M)
DATE OF DECISION:15.10.2019

Sushil Kumar Jain

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vikas Chatrath, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Counsel for the petitioner argues that the petitioner is entitled for refixing of his pay keeping in view the fact that similar benefit has been granted to one Sh. S.C. Chadha by this Court while deciding CWP No.16950 of 1998, titled as **S.C. Chadha Vs. State of Punjab and others** decided on 29.10.2003, which judgment had already been upheld by a Division Bench on 27.09.2007 in LPA No.277 of 2004. Counsel argues that the benefit of the protection of pay was not included while fixing the pay of the petitioner upon absorption in the department of transport, which benefit had already been extended to a similarly situated employee, namely, Sh. S.C. Chadha and, therefore, the petitioner is also entitled for the said benefit of refixation.

Learned counsel for the petitioner states that for the relief which has been claimed in the present writ petition, the petitioner has submitted two representations dated 24.04.2018 and 01.03.2019 (Annexures P-20 and 21 respectively), which are still pending

consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the representations dated 24.04.2018 and 01.03.2019 (Annexures P-20 and 21 respectively) by passing an appropriate speaking order.

Counsel for the petitioner further states that liberty be also granted to the petitioner to supplement the representations (Annexures P-20 and 21 respectively) keeping in view the certain facts which had come into existence after the filing of the representations, within a period of two weeks from today.

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 representations dated 24.04.2018 and 01.03.2019 (Annexures P-20 and P-21 respectively), the present writ petition is disposed of with a direction to the respondents to decide the representations dated 24.04.2018 and 01.03.2019 (Annexures P-20 and P-21 respectively) or any other supplementary representation, which the petitioner files within a period of two weeks, within a next period of three months from the receipt of certified copy of this order.

October 15, 2019

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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable : Yes / No