

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

CWP-10473 of 2017

Date of decision: 22.10.2019

Jaswant Singh and others

.... Petitioners

versus

State of Haryana and others

.... Respondents

CWP-9534 of 2018

Bijender Singh and others

.... Petitioners

versus

State of Haryana and another

.... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. B.K. Bagri, Advocate
for the petitioner(s).

Mr. Nidhi Grag, AAG, Haryana.

HARSIMRAN SINGH SETHI, J. .

By this Common order, both the above mentioned writ petitions are being disposed of as both the writ petitions involve same question of law and similar facts.

In the present writ petition(s), the claim of the petitioner(s) is that their pay be refixed by setting aside clarifications dated 13.05.2010 (Annexure P/6) and 09.04.2010 (Annexure P/7) and the basic pay, which the petitioners were enjoying before passing of the said orders, be restored. In the present writ petition(s), the grievance of the petitioner(s) is that the pay of the petitioners was reduced, keeping in view the clarifications dated 13.05.2010 (Annexure P/6) and 09.04.2010 (Annexure P/7) issued by the respondents.

The said clarifications were impugned by the similarly situated employees before this Court in CWP No.3922 of 2011 titled as **Narender Pal Singh Arya and another vs. State of Haryana and others and other connected cases.** The said writ petition was decided by this Court on 03.10.2016 along with bunch of other writ petitions whereby, these clarifications Annexures P/6 and P/7 were set aside and the basic pay, which the employees were enjoying prior to the issuance of said clarifications, was restored. It is being claimed by the petitioners that the petitioners in the present writ petition are also similarly situated as that of the petitioners in **Narender Pal's case (supra).**

In the short reply filed on behalf of the respondents, it is admitted that the claim of the present petitioners is similar to as that of the petitioners in **Narender Pal Singh Arya's case (supra)** and all the benefits accruing to the petitioners in terms of order passed by this Court in **Narinder Pal Singh Arya's case (supra)** have already been released and the writ petition is rendered infructuous. Relevant paragraph of the reply is as under:-

1.“That on 17.01.2019, this Hon'ble Court passed the following order:—

Learned State counsel states that petitioners no.1 to 4 have already been granted the benefit as being claimed in the present petition. In respect of the claim of petitioner no.5, learned State counsel seeks time to file the reply.

Let reply be filed a week before the next date of hearing.

Adjourned to 18.03.2019.”

2. That in reply the contents of this petition viz-a-viz i.e. petitioner No.5, Sh Rakesh Kumar Bhargav, Retired Lecturer in Geography, Govt. Sr. Sec. School, Rewari is submitted as under:-

(a) That the petitioner filed the present civil writ petition in Hon'ble Court to refix their pay after quashing the clarifications dated 13.05.2010 (Annexure P/6) and clarification dated 09.04.2010 (Annexure P/7). The petitioner also become

entitled for restoration of their basic pay which was refixed in compliance of these clarifications.

(b) That the required benefit in the present Civil Writ petition has already been released in favour of all the petitioners by respondent No.2 vide his letter No.13/61-18 PGT-1(5) dated Panchkula 19.09.2018 (Annexure R/1). The pay of petitioner no.5 has been refixed by the Principal, Govt. Girls Sr. Sec. School, Rewari, vide his order No.863/13 dated 25.09.2018. Copy of the same is annexed as Annexure R-II. The arrears of pay has been paid to petitioner worth Rs.62500/-. Copy of the receipt of the petitioner is annexed as Annexure R-III.

(c) That in this way, all the petitioners has been paid all the required benefits in the present civil writ petition.

It is respectfully prayed that the present civil writ petition may be dismissed being infructuous.

Learned counsel for the petitioner is unable to dispute the averments made in the reply.

In view of the above, no grievance of the petitioners survives any further and the present writ petitions have become infructuous and are disposed of accordingly. However, a liberty is granted to the petitioners to approach the respondents by filing a representation in case any of their grievance survives and in case any such representation is filed by the petitioners, the respondents are directed to decide the same within a period of three months from the date of receipt of said representation.

(HARSIMRAN SINGH SETHI)
JUDGE

22.10.2019
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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |