

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27689-2013 (O&M)
Date of decision : 11.03.2019

Bal Kishan Dev Bhardwaj and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Arvind Galav, Advocate for the petitioner(s).

Mr. Navdeep Chhabra, DAG, Punjab.

JITENDRA CHAUHAN J. (ORAL)

This writ petition under Article 226 of the Constitution of India has been filed for the issuance of a writ of Certiorari quashing impugned memo dated 22.11.2013/02.12.2013 (Annexure P-14), whereby, the claim of the petitioners for removal of anomaly in the pay scale was rejected.

Learned counsel for the petitioners states that while rejecting the claim raised by the petitioners vide legal notice dated 31.10.2011 (Annexure P-12), the authorities did not consider the ratio of law laid down by this Court in *Sukhram Singh Virk and others Vs. The Chief Secretary, Punjab and others*, CWP-11201-1991, decided on 05.09.2011 (Annexure P-10) which squarely covers the petitioners' case. Further states that at this stage, he would be satisfied if a direction is issued to the authorities to re-examine the claim of the petitioners in the light of the judgment in Sukhram's case (supra) (Annexure P-10).

On the other hand, learned State counsel submits that the case of the petitioners suffers from delay and laches. The cause of action, if any, accrued in favour of the petitioners in the year 1991, but this long delay has not been explained. However, he is not averse to the prayer to the extent that the authorities shall re-consider the case of the petitioners.

Heard.

In view of the prayer made, without adverting to the merits of the case, the present petition is disposed of with a direction to respondent No.2-The Director, Health & Family Welfare, Punjab, Parivaar Kalyan Bhawan, Sector 34-A, Chandigarh, to consider and decide the claim of the petitioners in the light of the assertions raised by the parties. The necessary exercise be carried out within a period of three months from the receipt of the certified copy of the judgment. In case, on consideration, the competent authority reaches to the conclusion that the benefit claimed by the petitioners is admissible to them, in such eventuality, the consequential relief be allowed within a period of six weeks thereafter. However, in case the competent authority feels that the relief claimed by the petitioners is not admissible or made out, in that case, a speaking order be passed in the matter.

11.03.2019

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No