

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 26170 of 2017
Date of Decision : 03.04.2019

Kanwar Bhan and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Virender Kumar, Advocate for the petitioners.

Ms. Safia Gupta, A.A.G., Haryana.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the grievance which has been raised by the petitioners is that they are entitled for re-fixation of their pay in view of the orders of this Court passed in CWP No. 16084 of 1997, CWP No. 2757 of 1998 and CWP No. 4518 of 2000, which have been upheld by the Hon'ble Supreme Court in Civil Appeal No. 8661 of 2009, decided on 08.12.2015.

The case of the petitioners has been rejected by the respondents for the grant of the said relief vide order dated 15.09.2017 (Annexure P-8) and order dated 25.09.2017 (Annexure P-9) on the ground that the petitioners were not party in the writ petitions mentioned above and, therefore, they cannot be extended the benefits as granted to the petitioners in CWP No. 16084 of 1997, CWP No. 2757 of 1998 and CWP No. 4518 of

2000, which decision has already been upheld by the Hon'ble Supreme Court in Civil Appeal No. 8661 of 2009, decided on 08.12.2015.

Ms. Safia Gupta, learned Assistant Advocate General, Haryana appearing on behalf of the respondents states that though the claim of the petitioners has been rejected on the ground that the petitioners were not party in the above mentioned writ petitions but the respondents will reconsider the case of the petitioners on merits in respect of the relief as claimed herein by passing appropriate orders keeping in view the settled principle of law as noticed above. Learned counsel for the respondents states that the appropriate speaking order on the representation of the petitioners dated 05.09.2017 (Annexure P-7 Colly) will be passed on merit of the claim within a period of three months from the receipt of copy of this order and in case the petitioners are found entitled for the relief, the same will also be released to them within a period of next three months and impugned order dated 15.09.2017 will be ignored while reconsidering the case.

In view of the statement made by learned counsel for the respondents, learned counsel for the petitioners states that he does not wish to press this writ petition any further.

Writ petition stands disposed of as not pressed.

However, it is made clear that while considering the case of the petitioners on merits, the respondents shall ignore the earlier rejection, which was conveyed to the petitioners vide order dated 15.09.2017 (Annexure P-8) and order dated 25.09.2017 (Annexure P-9).

However, it is made clear that this Court expresses no opinion

on the merits of the case or the entitlement of the petitioners in respect of the claim made by the petitioners either in the present writ petition or in the representation at this stage.

April 03, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? Yes
Whether reportable? No