

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-23001-2019

Date of decision: - 28.08.2019

Inder Jit Sahni and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Amrik Singh, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

The claim which is being raised by the petitioners in the present writ petition is that they are entitled for the pay-scale of ₹2000-3500 w.e.f. 01.01.1986, with a further revision of pay-scale of ₹2200-4000 w.e.f. 01.01.1991 and the grant of proficiency step up of ₹3000-4500, after rendering eight years of service and further the higher pay-scale of ₹3700-5300 after rendering 18 years of service on the post of Junior Engineer, keeping in view the order passed by this Court in CWP No.2605 of 1998, decided on 02.07.2014 (Annexure P-7), which order has already been upheld by the Division Bench while deciding LPA No.1991 of 2014, decided on 29.07.2019 (Annexure P-9).

Counsel for the petitioners argues that though the petitioners are similarly situated as the petitioners in CWP No.2605 of 1998, but they are not being considered for the grant of benefit on the ground that there is no order in their favour granting them the benefit as being claimed in the present writ petition as they were not party in CWP No. 2605 of 1998.

Counsel for the petitioners further argues that keeping in view the settled principle of law settled by the Division Bench of this Court in Satbir Singh Vs. State of Haryana, 2002(2) S.C.T. 354, once a question of law has been decided by a competent Court, the State is duty bound to extend the same relief to all the similarly situated employees without forcing them to approach this Court claiming the same.

Counsel for the petitioners states that for the relief which has been sought in the present writ petition, petitioners have served the respondents with a legal notice dated 10.04.2019 (Annexure P-8), which is still pending consideration with the respondents and the petitioners will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice.

In view of the request made, without expressing any opinion on the merits of the case or the claim as being made by the petitioners, the respondents are directed to decide the legal notice dated 10.04.2019 (Annexure P-8) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioners are entitled for any monetary benefit, the same shall also be released to them within a period of three months thereafter.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

August 28, 2019
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Whether reasoned/speaking?
Whether reportable?

Yes
No