

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

Sr. No.140

**CWP No.24545 of 2019
DECIDED ON: 05.09.2019**

RAJNI SHARMA AND OTHERS

..PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Salil Sabhlok, Advocate, for the petitioners.

Ms. Ambika Bedi, AAG, Punjab.

ARUN MONGA, J. (ORAL)

Petitioners herein seek issuance of a writ in the nature of mandamus directing the respondents to carve out at least one promotional avenue for the post of Upvaid in the respondent-department in the light of the judgment of the Hon'ble Supreme Court in case of *Dr. O.Z. Hussain vs. Union of India, 1990 AIR 311* and further to grant them, the same pay scale of 10300-34800+4200 as is being granted to their counter parts i.e. Pharmacist in Health Department and correct the artificial anomaly created by the respondent whereby two similarly situated category of posts are being treated differently in violation of Articles 14 & 16 of the Constitution of India. Petitioners also caused a representation dated 01.05.2019 (Annexure P-5) but the same was not adverted by the respondents. Hence, the present petition.

2. Notice of motion.

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3. On advance service of the petition, Ms. Ambika Bedi, AAG, Punjab appears and accepts notice on behalf of the State.
4. Given the nature of order being passed, there is no necessity to seek return by the respondents as no further proceedings and/or pleadings are required.
5. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the respondents to objectively consider the representation dated 01.05.2019 (Annexure P-5) and also by keeping in view the contentions stated in the present writ petition by treating it as a supplementary representation and pass a speaking order, in accordance with law.
6. Let the needful be done within a period of 3 months from the date of receipt of a certified copy of this order.
7. Disposed of in above terms.

05.09.2019

Ankur

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No