

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 29902 of 2019

Date of decision : 17.10.2019

Sube Singh and another

....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Vishal Nehra, Advocate for the petitioners.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioners argues that petitioners are entitled for the benefits as extended by this Court to the similarly situated employees while deciding CWP No. 17946 of 2015 and other connected cases titled as ***Sushil and others Vs. State of Haryana and others***, on 15.05.2017, wherein this Court has already held that the similarly situated employees are entitled for the minimum of the regular pay scale.

Learned counsel for the petitioners further argues that the said judgment dated 15.05.2017 passed in ***Sushil and others' case (supra)*** has already attained finality as the LPA No. 1291 of 2018 has already been dismissed by this Court. Learned counsel argues that the benefit of the said judgment is not being extended to the petitioners on the ground that petitioners were not party in those writ petitions, which were decided by this Court vide order dated 15.05.2017. Learned counsel for the petitioners argues that once a question of law has been settled by a competent Court, as

Satbir Singh Vs. State of Haryana, decided on 21.03.2002, all the similarly situated employees shall be granted the benefit without forcing them to approach this Court, whereas the petitioners have been forced to approach this Court by the respondents which is contrary to the settled principle of law. The prayer of the petitioners is for issuance of a direction to the respondents to grant the petitioners the benefit of minimum of the pay scale as granted to the similarly situated employees by the respondents.

Learned counsel for the petitioners states that for the relief, which has been claimed in the present writ petition, petitioners have submitted a representation dated 03.09.2019 (Annexure P-4) to the respondents, which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said representation.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioners, the respondents are directed to decide the representation dated 03.09.2019 (Annexure P-4) 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 petitioner is entitled for any monetary benefit, the same shall also be released to them within a period of next three months.

Writ petition stands disposed of accordingly.

October 17, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No