

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 31440 of 2019

Date of decision : 31.10.2019

Prem Chand Mittal

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Keshav Gupta, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

In the present writ petition, petitioner is claiming that he is a similarly situated employee as the petitioners in CWP No. 2605 of 1998 titled as ***R.K. Aggarwal and others Vs. State of Punjab and others***, decided on 02.07.2014, whereby this Court has allowed the revision of pay scale w.e.f. 01.01.1986 but the said decision, which has already been upheld by the Division Bench in LPA No. 1991 of 2014 titled as ***State of Punjab and others Vs. Er. R.K. Aggarwal and others***, decided on 29.07.2019, is being implemented only qua the petitioners, who had approached this Court.

Learned counsel for the petitioner argues that keeping in view the settled principle of law settled by the Division Bench in ***Satbir Singh Vs. State of Haryana***, CWP No. 4382 of 2002, decided on 21.03.2002, once the question of law has been settled, all the employees, who are

covered by the said decision, should be granted the benefit and should not be forced to approach the Court. Learned counsel argues that in the present case, though the petitioner is similarly situated as the petitioners in ***R.K. Aggarwal and others' case (supra)*** but the benefit has not been extended to him on the ground that he was not a party to the writ petition, wherein, the relief of the revised pay scale has been allowed by this Court. Prayer of the petitioner is for issuance of a direction to the respondents to grant the same benefit as granted to the petitioners in ***R.K. Aggarwal and others' case (supra)***.

Learned counsel for the petitioner is unable to explain the delay in approaching this Court. The similarly situated employees as the petitioner approached this Court in the year 1998 i.e. 21 years ago but the petitioner never agitated his claim at any given point of time.

Learned counsel for the petitioner, keeping in view the instructions received from the petitioner, very fairly states that the petitioner will restrict the claim of arrears from the date of filing of the representation dated 05.05.2019 (Annexure P-9), 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 petitioner, the respondents are directed to decide the representation dated 05.05.2019 (Annexure P-9) 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 him within a period of next three months.

Writ petition stands disposed of accordingly.

It is made clear that in case it is found that petitioner is entitled for the relief as being claimed by the petitioner, keeping in view the undertaking given by the learned counsel for the petitioner, petitioner will only be granted arrears starting from 05.05.2019 onwards.

October 31, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*