

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.32482 of 2019

DATE OF DECISION:08.11.2019

Bhubneshwar Kumar and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. G.S. Chahal, Advocate
for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

Learned counsel for the petitioners argues that keeping in view the order passed by this Court in **CWP No.16446 of 2010 titled as Jaswinder Singh Bedi and others Vs. State of Punjab and others, decided on 20.05.2013**, which decision has already been upheld in Letters Patent Appeal No.244 of 2014, decided on 19.12.2014, petitioners are entitled for the grant of benefit of the Assured Career Progression Scheme, as notified on 03.11.2006. Learned counsel for the petitioners argues that the benefit which is being claimed in the present writ petition by the petitioners, has already been allowed in favour of the similarly situated personnel, who were the petitioners in **Jaswinder Singh Bedi's case(supra)** but the benefit is not being extended to the petitioner on the ground that there is no order by the competent Court of Law in their favour, to grant them the said benefit.

Learned counsel for the petitioners submits that keeping

in view the order passed by the Division Bench of this Court in **Satbir**

Singh Vs. State of Hayana, 2002(2) SCT 354, wherein it has been held that once a question of law has been settled, the benefit of same should be extended to all the similarly situated employees without forcing them to approach this Court. Learned counsel for the petitioners prays that a direction be issued to the respondents to grant the petitioners the benefit of the decision in **Jaswinder Singh Bedi's case (supra)**.

Learned counsel for the petitioners states that for the relief which has been claimed in the present writ petition, the petitioners have served the respondents with a legal notice dated 27.06.2019 (Annexure P-7), 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 legal notice dated 27.06.2019 (Annexure P-7) by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioners for the relief which has been claimed by them in the legal notice dated 27.06.2019 (Annexure P-7), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 27.06.2019 (Annexure P-7) within a period of three months from the receipt of certified copy of this order.

November 08, 2019

jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable : Yes / No