

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

CWP-32946-2019

Date of decision: - 15.11.2019

Raghu Nath

....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: - Mr. Nitesh Singla, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Learned counsel for the petitioner argues that petitioner had approached this Court in the year 2010 by filing CWP No.7894 of 2010 titled as 'Jagmohan Singh Mittal and others Vs. State of Punjab and others', which was disposed of by this Court on 31.01.2012 (Annexure P-3) with the direction to the respondent-department to decide the claim of the petitioner keeping in view the order passed by this Court in CWP No.3931 of 1994 titled as 'Baldev Raj Mittal Vs. State of Punjab and others, decided on 15.04.2009.

Learned counsel for the petitioner states that as the order dated 31.01.2012, passed in Jagmohan Singh Mittal's case (supra) was not

being complied with, petitioner filed a COCP No.974 of 2013 and thereafter, an order was passed on 27.12.2013 (Annexure P-4), wherein, it was stated that as a LPA No.504 of 2012 has been filed against the order passed in Baldev Raj Mittal's case (supra), the action will be taken after the decision of the LPA No.504 of 2012.

Learned counsel further states that the said LPA No.504 of 2012 was dismissed by the Division Bench of this Court on 22.05.2012 and SLP was filed by the State of Punjab against the said order was also dismissed on 04.09.2013 and after the litigation came to end in Baldev Raj Mittal's case (supra), the case of the petitioner was also considered by the respondents in the year 2017 and the benefit of arrears has been extended to the petitioner as per the judgment of Baldev Raj Mittal's case (supra) from the year 2017, whereas, to some similarly situated persons, benefit of arrears from three years and two months prior to the filing of the writ petition have been extended, therefore, the petitioner was also entitled for arrears for a period of three years and two months prior to the date of filing of CWP No.7894 of 2010 so as to remove the discrimination between the petitioner and similarly situated employees.

Counsel for the petitioner further states that for the relief, which has been sought in the present writ petition, petitioner has served the respondents with a legal notice dated 06.08.2019 (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 legal notice.

In view of the request made, without expressing any opinion

on the merits of the case or the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 06.08.2019 (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.

Present writ petition stands disposed of.

November 15, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No