

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

**CWP-33893-2019**

**Date of Decision: 26.11.2019**

Raj Kumar

... Petitioner

Vs.

State of Punjab and others

... Respondents

**CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. M.K. Dogra, Advocate  
for the petitioner.

Mr. Mehardeep Singh, Addl. A.G. Punjab.

**ARUN MONGA , J. (Oral)**

In an earlier round of litigation, in the writ petition instituted by the petitioner i.e. CWP No.30182 of 2018, this Court had directed the competent authority vide order dated 7.2.2019 to pass a speaking order on the claim of the petitioner. Pursuant thereto vide order dated 13.06.2019 (Annexure P-13), claim of the petitioner has been once again categorically denied on the ground that he is not entitled for the same after a lapse of 20 years and he is estopped in view of the principle of delay and laches. Confronted with the said order, the petitioner submitted another representation vide Annexure P-14 contending that not only the case of the petitioner was referred to the committee in the year 2018 but recommendation in terms of Annexure P-12 was made in the case of similarly situated persons who were granted the pay scale of Rs.1640-2925 as late as in the year 2017. Yet, the petitioner has been non-suited on the ground that his case is hit by delay, even though, the same was pending consideration in 2018 with the Committee while similarly situated were given benefit in year 2017.

2. Notice of motion.

3. On advance service of copy of the petition, Mr. Mehardeep Singh, Additional Advocate General, Punjab, appears and accepts notice on behalf of the respondents.

4. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

5. Perusal of the Annexure P-12 reveals that similarly situated persons were granted the benefit of pay scale in the year 2017 and claim of the petitioner was rejected on the ground of delay. Petitioner *prima facie* is entitled to the same relief on grounds of parity. In the premise, without commenting on the merits of the case, the impugned order dated 13.6.2019 (Annexure P-13) is set aside with a direction to the Competent Authority to pass fresh orders as to why the petitioner is not entitled to parity with the similarly situated persons. It is made clear that order should be passed on merits by overlooking delay, if any, as the other similarly situated persons have been accorded the benefit by overlooking the same.

6. Let the needful be done within a period of 2 months.

7. In case any favourable order is passed in favour of the petitioner who shall be entitled to the disbursement of the arrears of salary on par with the similarly situated persons which shall be disbursed within 2 months thereafter.

8. Disposed of in above terms.

26.11.2019  
rajeev

( ARUN MONGA )  
JUDGE

**Whether speaking/reasoned**

**Yes/No**

**Whether reportable**

**Yes/No**