

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-34620-2019

Date of decision: - 28.11.2019

Harjinder Singh Garcha

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Amrik Singh, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

The claim which is being raised by the petitioner in the present writ petition is that he is entitled for the pay-scale of ₹2000-3500 w.e.f. 01.01.1986, with a further revision of pay-scale of ₹2200-4000 w.e.f. 01.01.1991 and the grant of proficiency step up of ₹3000-4500, after rendering eight years of service and further the higher pay-scale of ₹3700-5300 after rendering 18 years of service on the post of Junior Engineer, keeping in view the order passed by this Court in CWP No.2605 of 1998, decided on 02.07.2014 (Annexure P-7), which order has already been upheld by the Division Bench while deciding LPA No.1991 of 2014, decided on 29.07.2019 (Annexure P-9).

Counsel for the petitioner argues that though the petitioner is similarly situated as the petitioners in CWP No.2605 of 1998, but he is not being considered for the grant of benefit on the ground that there is no order in his favour granting him the benefit as being claimed in the

present writ petition as he was not party in CWP No. 2605 of 1998.

Counsel for the petitioner further argues that keeping in view the settled principle of law settled by the Division Bench of this Court in Satbir Singh Vs. State of Haryana, 2002(2) S.C.T. 354, once a question of law has been decided by a competent Court, the State is duty bound to extend the same relief to all the similarly situated employees without forcing them to approach this Court claiming the same.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioner has served the respondents with a legal notice dated 12.09.2019 (Annexure P-8), 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 as being made by the petitioner, the respondents are directed to decide the legal notice dated 12.09.2019 (Annexure P-8) 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 three months thereafter.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

August 28, 2019
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Whether reasoned/speaking?	Yes
Whether reportable?	No