

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

**CWP NO. 34664 OF 2019
DATE OF DECISION : 28.11.2019**

Paramjit Singh Virk and others

...Petitioners

versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ranjivan Singh, Advocate with
Ms. Kanika Toor, Advocate,
for the petitioner.

Ms. Monica Chhibber Sharma, Sr. DAG, Punjab.

ARUN MONGA, J. (ORAL)

By way of instant petition, the petitioners have sought issuance of a writ in the nature of certiorari for quashing notification No.5/138/2009-3FPI/870 dated 20.06.2019 (Annexure P-10) and compliance report dated 19.08.2019 (Annexure P-11).

2. Learned counsel for the petitioners submits that in an earlier round of litigation instituted by the similarly situated persons, as the petitioners herein, a Coordinate Bench of this Court vide judgment dated 20.05.2013 (Annexure P-6) had allowed their claim, which in-turn was challenged by the State by way of an intra court appeal also. The said appeal was dismissed as is reflected from a Division Bench judgment dated 19.12.2014

contained at Annexure P-7. Learned counsel further submits that the Division Bench judgment has since attained finality as the Special Leave Petition filed against the same was also dismissed by the Apex Court.

3. Notice of motion.

4. On advance service of the petition, Ms. Monica Chhibber Sharma, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent-State.

5. Having heard the learned counsel for the petitioners as also the learned State counsel, I am of the view that the case of the petitioners is indeed squarely covered by the judgment dated 20.05.2013 (Annexure P-6), as relied by them read with the order dated 19.12.2014 (Annexure P-7).

6. In the aforesaid premise, the present writ petition is also allowed in terms of judgment of this Court rendered in CWP-16446-2010 contained at Annexure P-6 as confirmed by the Division Bench as also Apex Court. The respondents are directed to grant the benefit of ACP Scheme as per circular/notification dated 03.11.2006 (Annexure P-3) along with all other consequential benefits to the petitioners, as has been granted entire to another set of employees similarly situated to the petitioners, by keeping in view the contentions stated in the present writ petition by treating it as a representation and pass a speaking order, in accordance with law.

7. Let the needful be done as expeditiously as possible. It would be appreciated if the relief is granted along with all other similarly situated employees who have filed the contempt petition bearing COCP No. 3075-2015 before this Court in order to avoid any heart burning to the petitioners herein, keeping in view the order dated 17.10.2019 passed therein.

(ARUN MONGA)
JUDGE

NOVEMBER 28, 2019
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| 1. Whether speaking/reasoned : | Yes/No |
| 2. Whether reportable : | Yes/No |