

CWP No.35818 of 2019 (O&M)
Date of decision : December 10, 2019

Gurbachan Singh Akal and another Petitioners

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioners argues that keeping in view the order passed by a co-ordinate Bench 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 by the Division Bench in Letters Patent Appeal No.244 of 2014, 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 personnels, who were the petitioners in ***Jaswinder Singh Bedi's case (supra)*** but the benefit is not being extended to the petitioners on the ground that there is no order 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 Haryana, 2002(2) S.C.T. 354***, once a question of law has been

settled, the benefit of same should be extended to all the similarly situated persons without forcing them to approach the Court claiming the same.

Learned counsel for the petitioners prays that a direction be issued to the respondents to grant the petitioners the similar benefit as granted to the petitioners 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 23.10.2019 (Annexure P-9) 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 said legal notice 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 23.10.2019 (Annexure P-9), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 23.10.2019 (Annexure P-9), within a period of three months from the receipt of certified copy of this order.

(HARSIMRAN SINGH SETHI)
JUDGE

December 10, 2019

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Whether speaking / reasoned

Yes

Whether Reportable:

No