

Sr. No.114

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

CWP No.35568 of 2019 (O&M)

Date of Decision: 07.12.2019

Sunil Kumar and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. H.C.Arora, Advocate,
for the petitioners.

Mr. P.S.Bajwa, Additional A.G., Punjab.

ARUN MONGA, J.(ORAL)

1. Petitioners herein seek issuance of a writ in the nature of mandamus directing the respondents to pay their difference of salary along with interest on the post of Data Entry Operators with effect from their respective dates of joining till the date of removal i.e. 28.02.2017 by recalculating the salary payable to them at the Deputy Commissioner's rate (DC rates) in terms of various Notifications.

2. In the premise, petitioners caused issuance of a legal notice dated 24.10.2018 (Annexure P-3) but the same has not been adverted by the respondents till date. Hence, the writ petition.

3. Learned counsel for the petitioners submits that case of the petitioners is squarely covered by the judgment of this Court passed in CWP No.26265 of 2017 decided on 25.07.2019 contained at Annexure P-8.

4. Notice of motion.

5. On advance service of the petition, Mr. P.S.Bajwa, Additional A.G., Punjab appears and accepts notice on behalf of the State.

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

7. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the respondents/competent authority to treat the present writ petition as a representation and pass a speaking order, in accordance with law by keeping in mind the applicability of judgment rendered by this Court contained at Annexure P-8 and record specific reasons as to why benefit of the same is not being accorded to the petitioners.

8. In case, favourable order is passed, it is made clear that the petitioners shall not be entitled to arrears beyond 38 months prior to filing of the writ petition.

9. Let the needful be done within a period of 3 months from the date of receipt of a certified copy of this order.

10. Disposed of in above terms.

07.12.2019

vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No