

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6820-2020

Date of decision: - 17.03.2020

Sant Singh and others

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: - None for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, it has been averred that the petitioners had approached this Court in the year 2010 by filing CWP No. 4823 of 2010 titled as *Surinder Kumar and others Vs. State of Punjab and others*, which was disposed of by this Court on 15.07.2011 (Annexure P-3) with the direction to the respondent-department to decide the claim of the petitioners keeping in view the order passed by this Court in CWP No.3931 of 1992 titled as '*Baldev Raj Mittal Vs. State of Punjab and others*', decided on 15.04.2009. It has been further averred in the writ petition that the order dated 15.07.2011 was not complied with by the respondents keeping in view the fact that against the decision rendered in *Baldev Raj Mittal's case (supra)*, an LPA No. 504 of 2012

was filed and due to the pendency of the said LPA, no benefit was released to the petitioner or even to the petitioners in ***Baldev Raj Mittal's case (supra)***.

As per the averments in the writ petition, the said LPA was dismissed by the Division Bench of this Court on 22.05.2014 and SLP filed by the State of Punjab against the said order was also dismissed on 06.02.2015 and after the litigation came to end in ***Baldev Raj Mittal's case (supra)***, the case of the petitioner in the present writ petition was also considered by the respondents in the year 2017 and the benefit of arrears has been extended to the petitioner as per the judgment of ***Baldev Raj Mittal's case (supra)*** from the year 2017, whereas, to some similarly situated persons, benefit of arrears for three years and two months prior to the filing of the writ petition have been extended. Petitioners claim that they are also entitled for arrears for a period of three years and two months prior to the date of filing of CWP No. 4823 of 2010 so as to remove the discrimination between the petitioner and similarly situated employees.

Petitioners have also attached an order dated 11.02.2020 (Annexure P-10), which has been passed by the respondents themselves in the case of one Sh. Raghu Nath, who had also approached this Court claiming the same relief as being claimed in the present writ petition and the respondents have granted the said benefits to Sh. Raghu Nath but the same have not been extended to the petitioners, which has led to the petitioners filing the present writ petition.

As per the averments made in the writ petition, petitioners

have served the respondents with a legal notice dated 07.12.2019 (Annexure P-8), which is still pending consideration with the respondents. Interest of justice will be served in case, at this stage, a time bound direction is issued to respondent No. 2 to decide the said legal notice dated 07.12.2019 (Annexure P-8) in a time bound manner by passing an appropriate speaking order.

In view of the above, without expressing any opinion on the merits of the case or the claim being made by the petitioners, respondent No. 2 is directed to decide the legal notice dated 07.12.2019 (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.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

March 17, 2020
kanchan

<i>Whether reasoned/speaking?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>