

Sr. No.103

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

CWP-8920 of 2020 (O&M)

Date of Decision: 01.07.2020

Mahesh Kumar

...Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Ramesh Goyat, Advocate,
for the petitioner.

Ms. Upasana Dhawan, DAG, Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

The petitioner herein seeks issuance of a writ in the nature of mandamus directing the respondents to release the arrears, at par with other similarly situated employees, in pursuance to an office order bearing No.12360-69/EA5/SJE/14 dated 16.07.2014 (Annexure P-3), along with interest.

2. Learned counsel for the petitioner contends that petitioner is similarly situated with other employees who had approached this Court vide CWP No.2954 of 2018 and in the return filed therein, the State has taken a candid stand that payment of arrears arising out of promotion, has been made to other said employees. The petitioner is, therefore, sanguine that if his case is also considered, he is likely to get the same benefit on the grounds of parity.

3. In the premise, the petitioner also caused issuance of Legal Notice dated 17.01.2020 (Annexure P-8), but the same has not been adverted till date by the respondents. Hence, the writ petition.

4. Notice of motion.

5. Ms. Upasana Dhawan, DAG, Haryana, who has joined proceedings, on service of advance copy of petition, accepts notice on behalf of State of Haryana.

6. Given the nature of order being passed, there is no necessity to seek return by any of 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 competent authority to objectively consider the legal notice dated 17.01.2020 (Annexure P-8) and also by keeping in view the contentions stated in the present writ petition by treating it as a supplementary representation and pass a speaking order, in accordance with law.

8. Let the needful be done within a period of three months from today. In case, petitioner is found entitled to the benefit being claimed by him, he be accorded the same with 60 days thereafter.

9. Disposed of in above terms.

01.07.2020
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No