

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9815-2020 (O&M)
Date of decision : 15.07.2020

Shiv Kumar Kaushal and others

...PETITIONERS

Versus

State of Punjab and others

...RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Munish Bhardwaj, Advocate
for the petitioners.

Mr. Nikhil Chopra, Addl. A.G., Punjab.

JITENDRA CHAUHAN J. (ORAL)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

This writ petition under Article 226 of the Constitution of India has been filed for issuance of a direction to the respondents to grant Non-Practicing Allowance to the petitioners w.e.f. 01.01.2006 instead of 01.10.2011 at par with PCMS Doctors working under the same Department.

Learned counsel for the petitioners submits that the case of the petitioners is squarely covered by the ratio of law laid down in the case titled as **Dr. Harmanjit Singh and others Versus State of Punjab and others'**, CWP No. 22949 of 2012 decided on 20.02.2020 (Annexure P-9). He further states that at this stage they would be satisfied, if a direction is issued to respondent No. 2-Principal Secretary to Government of Punjab,

Department of Finance (Finance Personnel-1 Branch), Punjab Civil Secretariat, Chandigarh to consider and decide the claim of the petitioners in the light of judgment (Annexure P-9).

Learned State counsel states that he has no objection in case the prayer made by the learned counsel for the petitioner is granted.

Heard.

In view of the above, without adverting to the merits of the case, the present petition is disposed of with a direction to respondent No.2- Principal Secretary to Government of Punjab, Department of Finance (Finance Personnel-1 Branch), Punjab Civil Secretariat, Chandigarh to consider and decide the claim of the petitioners in the light of judgment (Annexure P-9) within six weeks from the receipt of the certified copy of the judgment. In case, on consideration, the competent authority reaches to the conclusion that the benefit claimed by the petitioners is admissible to them, in such eventuality, the consequential relief be allowed to them, within a period of six weeks thereafter, in accordance with law. However, in case the competent authority feels that the relief claimed by the petitioners is not admissible or made out, in that case, a speaking order be passed in the matter.

15.07.2020 *jyoti-II***(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No