

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

113

CWP-10411-2020 (O&M)
Date of decision : 22.07.2020

Rajender Kumar

...PETITIONER

Versus

State of Haryana and another

...RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sandeep Thakan, Advocate
for the petitioner.

Ms. Deipa Singh, Addl. A.G., Haryana.

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 Articles 226/227 of the Constitution of India has been filed for issuance of writ to quash the impugned order dated 03.02.2020 (Annexure P-2) and to issue a direction to the respondents to grant 3rd A.C.P. Scale after completion of 24 years regular service.

Learned counsel for the petitioner submits that the case of the petitioner is squarely covered by the ratio of law laid down in CWP No. 18589 of 2006 titled as '**Anil Kumar Singhal Versus State of Haryan and others**', decided on 30.11.2018 (Annexure P-5). He further states that at this stage he would be satisfied, if a direction is issued to the respondents to consider and decide the claim of the petitioner in the light of judgment

(Annexure P-5).

Heard.

A complete set of paper book has already been handed over to learned counsel for the respondents.

Learned State counsel states that she 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- Director, Secondary Education, Haryana, Sector-5, Panchkula to consider and decide the claim of the petitioner in the light of judgment dated 30.11.2018 (Annexure P-5) passed in CWP No. 18589 of 2006 titled as 'Anil Kumar Singhal Versus State of Haryan and others', within 45 days 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 petitioner is admissible to him, in such eventuality, the consequential relief be allowed to him, within a period of 45 days thereafter, in accordance with law. However, in case the competent authority feels that the relief claimed by the petitioner is not admissible or made out, in that case, a speaking order be passed in the matter.

22.07.2020

jyoti-II

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No