

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CWP-12422-2020
Date of decision: 21.08.2020

Roop Lal & others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Gurjinder Singh Chahal, Advocate
for the petitioners.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of a writ in the nature of Mandamus directing the respondents to implement the judgment dated 20.05.2013 (Annexure P-6) passed by this Court in CWP-16446-2010 as the petitioners herein are similarly placed employees.

Learned counsel for the petitioners submits that petitioners have already given a legal notice (Annexure P-8) for granting the same benefit which has been given to similarly situated employees vide order dated 06.09.2017 passed in CWP-14139-2017.

Learned counsel for the petitioners further submits that even some of the employees had filed CWP-10979-2020, which was disposed of on 30.07.2020 by passing the following order:

“By this petition, filed under the provisions of Article 226/227 of the Constitution of India, the petitioners seek issuance of a writ in the nature of mandamus, directing the respondents to implement the judgment dated 20.05.2013 (Annexure P-6) passed by this court in CWP No.16446 of 2010, as the petitioners

are also stated to be similarly placed employees who joined as Junior Engineers on the dates mentioned against their names in para no.2 of the present petition; and to decide the legal notice dated 10.02.2020 (Annexure P-8), with a further prayer made for a direction to the respondents to grant the benefit of the Assured Career Progression Scheme (ACP) formulated vide a policy dated 03.11.2006 (Annexure P-3), along with consequential benefits like re-fixation of pay, its arrears, alongwith the interest @ 18% p.a., running from the date of its accrual till realization.

Learned counsel for the petitioners submits that the legal notice issued (Annexure P-8), has still not been decided.

He then relies upon a judgment of this court passed in CWP no.16446 of 2013, on May 20, 2013 (copy Annexure P-6), to submit that the petitioners herein are identically placed as the petitioners in that petition.

Without making any comment on the actual merits of the case, this petition is disposed of with a direction to the competent authority amongst the respondents to take a decision on the legal notice issued by the petitioners within a period of three months from the date of receipt of a certified copy of this order, by passing a detailed speaking order, taking into consideration the aforesaid judgment which is stated to have reached finality right upto the Supreme Court.”

Learned counsel for the petitioners further submits that the petitioners, at this stage, would feel satisfied if the aforesaid legal notice (Annexure P-8) is decided in terms of order dated 30.07.2020.

Notice of motion.

Mr. Aditya Sharda, AAG, Punjab, who is also appearing

through video conferencing, accepts notice on behalf of the respondents-State and has no serious objection to the limited prayer made by learned counsel for the petitioners.

Accordingly, without making any comment on the merits of the case, this petition is disposed of with a direction to the competent authority amongst the respondents to take a decision on the aforesaid legal notice issued by the petitioners within a period of three months from the date of receipt of a certified copy of this order, by passing a detailed speaking order, taking into consideration the aforesaid judgment which is stated to have reached finality right upto the Supreme Court.

21.08.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No