

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

CWP No.15040 of 2020 (O&M)

Date of decision: 22.09.2020

Avtar Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Ms. Kamalpreet Kaur Dhaliwal, Advocate
for the petitioners.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Petitioner Avtar Singh and 05 others have filed the instant civil writ petition against the respondents i.e. State of Punjab and 03 others for issuance of a writ, order or direction to the respondents to count the service rendered by the petitioners on the post of SPO as qualifying service for the purpose of seniority for the post of Constable along with other consequential benefits.

Learned counsel for the petitioners has referred to judgments passed by Co-ordinate Benches of this Court in CR-2295-2010 titled as **Constable Rajinder Kumar Vs. State of Punjab through Principal Secretary Home, Department of Home Affairs & Justice, Mini Secretariat, Punjab Chandigarh and others** (Annexure P-5), CWP-31922-2019 titled as **Avtar Singh Vs. State of Punjab & Ors.** (Annexure P-7) and **Roop Singh & Ors. Vs. State of Punjab & Ors.** in CWP-14567-2020 (Annexure P-8) etc.

It is contended that the petitioners had served a legal notice dated 06.02.2020 (Annexure P10) upon the respondents before filing of the present writ petition without evoking any response.

Notice of motion.

Mr. Shireesh Gupta, Sr. DAG, Punjab, accepts notice on behalf of respondent-State.

Learned counsel for the petitioners states that the petitioners would be satisfied if a direction is issued to the respondents to consider the claim of the petitioners and take a decision in the matter within a fixed time frame.

Learned State counsel states that the respondents would abide by any direction issued by this Court in that regard.

Keeping in view the facts and circumstances of the case and in order to avoid unnecessary litigation between the parties, the present writ petition is disposed of, directing the respondents to consider the claim of the petitioners as contained in legal notice dated 06.02.2020 (Annexure P10) as per law and then to take a decision in the matter by passing a speaking order, within a period of two months from the date of receipt of certified copy of the order. However, since the petition is not being decided on merits, it shall be open to the petitioners to seek their legal remedy including approaching this Court again as per law, if they still feel aggrieved after disposal of their legal notice by the respondents.

22.09.2020

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes No

Whether Reportable :

Yes No