

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

105

**CWP No.22084 of 2020
Decided on:25.11.2020**

Sanjiv Kumar and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE G.S. SANDHAWALIA

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

(The proceedings are being conducted through
video conferencing as per instructions.)

G.S. Sandhawalia, J. (Oral)

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 12.04.2019 (Annexure P-7), 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-7), 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.

It is further contention of the counsel for the petitioners that as per Annexure P-9, placed on record vide order dated 30.10.2020, some of the petitioners are still working whereas others have retired from the year 2011 onwards and since the policy was dated 03.11.2006, they were also entitled for the said benefits. The delay as such is sought to be explained on account of the fact that the matter was decided by this Court on 20.05.2013 and further the matter was taken to the Supreme Court. Counsel further submits that the petitioners will be satisfied if the competent authority decides the legal notice within a fixed time frame.

Keeping in view the above, this Court is of the opinion that calling upon the respondents would only delay the decision making which is stated to be incomplete since the decision on the legal notice is still pending. Resultantly, directions are issued to the competent authority respondents to take the decision on the legal notice served by the petitioners within a period of 3 months from the receipt of the certified copy by passing a speaking order and take into consideration the aforesaid judgment which is stated to have reached finality right upto the

Supreme Court. The issue of interest element shall also be decided keeping in view the demand as such which has been raised only by serving the legal notice now.

Accordingly, the present writ petition is disposed of with the above said observations.

25.11.2020
Parveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No