

In the High Court of Punjab and Haryana at Chandigarh

(Proceedings conducted through Video Conference)

CWP No. 20687 of 2020

Date of Decision: 3.12.2020

Pawan Kumar Chadha and others

---Petitioners

versus

State of Punjab and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Manjit Singh Uppal, Advocate
for the petitioners
Ms. Maloo Chahal, DAG, Punjab

Rekha Mittal, J.

Counsel for the petitioners would argue that identical issue was raised by similarly situated Junior Engineers of Punjab Water Supply & Sewerage Board for grant of benefit of policy circular dated 3.11.2006 (Annexure P-7) in CWP No. 16446 of 2010 and the same was decided in their favour by this court vide judgment dated 20.5.2013 (Annexure P-2) and the order has attained finality upto Hon'ble the Supreme Court. The department should have allowed the same benefit to other similarly situated employees, in view of decision of this Court in Satbir Singh vs. State of Haryana CWP No. 4382 of 2002, decided on 21.3.2002, but it is not so. It is further submitted that the petitioners have already sent legal notice dated 23.9.2020 (Annexure P-10) but no decision has been taken. Counsel would inform that the petitioners would be satisfied in case a time bound direction is issued to respondent No. 4 to take a decision in the matter, in view of averments raised in the legal notice.

Taking into consideration the limited prayer made by the petitioners and nature of order which this Court proposes to pass, there is no necessity of calling upon the respondents to file response.

Without examining merits of the case, the petition stands disposed of. Respondent No. 4 is directed to take a final decision on legal notice (Annexure P-10), within a period of one month from the date of receipt of certified copy of the order. In case, claim of the petitioners is not accepted, they would be at liberty to take recourse to appropriate remedy, in law. In that eventuality, the respondents would be at liberty to raise all available plea including delay and laches. It is clarified that the legal notice shall be decided by the competent authority by passing a speaking order.

(Rekha Mittal)
Judge

3.12.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No