

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

CWP-8635-2021

Date of decision: - 22.04.2021

Gurcharan Singh and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Rakesh Sobti, Advocate
for the petitioners.

Ms. Sunint Kaur, AAG, Punjab.
(keeping in view the advance copy given).

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance which is being raised by the petitioners is that they were denied promotion in an arbitrary and illegal manner and it is only after they had approached this Court, they were granted the benefit of promotion notionally and the question for the grant of arrears was kept pending.

Learned counsel for the petitioners argues that the similarly situated employees have approached this Court raising the similar grievance as raised in the present writ petition and this Court had disposed of their writ petition by directing the respondent-State to consider their claim for the release of arrears and in pursuance to the direction given, the similarly situated employees have already been

granted the benefit of arrears, whereas, the said benefit is not being extended to the petitioners only on the ground that there is no direction given by this Court to consider their claim for the release of the arrears.

Learned counsel for the petitioners submits that as per the law settled by the Division Bench of this Court in **Satbir Singh Vs. State of Haryana**, 2002(2) S.C.T. 354, once the respondent-State had given the benefit to the similarly situated employees, the same benefit should have been extended to the petitioners as well without forcing them to approach this Court.

Learned counsel for the petitioners states that for the relief which has been sought in the present writ petition, petitioners have served the respondents a legal notice dated 09.11.2020 (Annexure P-11), which is still pending consideration with the respondents and the petitioners will be satisfied, at this stage, in case a time bound direction is issued to respondent No.1 to decide the said legal notice.

Notice of motion.

Ms. Sunint Kaur, AAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondents-State and raises no objection with regard to prayer of the petitioners for deciding the legal notice dated 09.11.2020 (Annexure P-11) by respondent No.1 in a time bound manner by passing an appropriate speaking order.

In view of the above, without expressing any opinion on the merits of the case or the claim being made by the petitioners, respondent

No.1 is directed to decide the legal notice dated 09.11.2020 (Annexure P-11) by passing a speaking order within a period of three months from the date of receipt of a copy of this order. In case after the decision, it is found that the petitioners are entitled for any benefit, the same shall also be released to them within a period of one month thereafter.

Present writ petition stands disposed of.

April 22, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No