

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

CWP-16691-2020.
Date of Decision:-13.01.2021.

Lal Chand and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Ranjivan Singh, Advocate and
Ms. Kanika Toor, Advocate and
Ms. Ritu Raag, Advocate for the petitioners.

Ms. Maloo Chahal, DAG, Punjab, for respondent No.1.

Ms. Anu Chatrath, Senior Advocate with
Mr. Nishant Maini, Advocate for respondent Nos.2 to 7.

SANJAY KUMAR, J. (Oral)

The petitioners seek to challenge the notification dated 20.06.2019 (Annexure P-11) to the extent it restricted their entitlement to arrears to a period of 38 months prior to filing of the writ petition, while implementing the judgment dated 20.05.2013 (Annexure P-7). It is their case that this action is contrary to the recent notification dated 03.03.2020

issued by the Department of Finance, State of Punjab, whereby full arrears and all consequential benefits were directed to be given to those whose cases were decided in terms of the aforestated judgment dated 20.05.2013.

Though notice of motion was ordered in this case on 09.10.2020, the respondents are yet to file their reply. While so, perusal of the material placed on record demonstrates that the petitioners got issued legal notice dated 29.08.2020 to the authorities setting out their grievances and referring to relevant case law. It is their complaint that the authorities have not taken any action despite receipt of the aforestated legal notice.

As it is for the authorities concerned to apply their mind in the first instance to the issues raised by the petitioners through their legal notice and address the grievances ventilated thereby, no cause is made out for this Court to keep the present writ petition pending or adjudicate it on merits.

Ms. Anu Chatrath, learned senior counsel appearing along with Mr. Nishant Maini, learned counsel for respondent Nos.2 to 7, would fairly state that appropriate action would be taken upon the petitioners' legal notice dated 29.08.2020, given sufficient time.

In that view of the matter, the writ petition is disposed of directing the respondent-authorities to consider the petitioners' legal notice dated 29.08.2020 on its own merits and in the context of the law laid down by this Court and take a reasoned decision as to the petitioners' claim. This exercise shall be completed expeditiously and in any event, not later than two months from the date of receipt of a copy of this order. The decision taken shall be communicated to the petitioners forthwith. In the event the

authorities hold in favour of the petitioners, necessary further action pursuant thereto, including disbursal of the amounts due, shall be completed within two months thereafter.

No order as to costs.

(SANJAY KUMAR)
JUDGE

January 13, 2021.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.