

CWP-20896-2021

Date of Decision : 03.11.2021

Mehar Chand and Ors.

...Petitioners

Versus

State of Punjab and Ors.

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. A.K. Walia, Advocate for the petitioners.

B.S. Walia, J. (VC)

[1] Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

[2] Prayer in the petition under Article 226 of the Constitution of India is for the issuance of a writ, order or direction especially in the nature of Mandamus to grant special pay/special allowance to the petitioners in terms of instructions, Annexure P/1 dated 05.07.2011 issued by the Department of Finance, Govt. of Punjab and further to grant them special increment in terms of instructions, Annexure P/2 dated 14.11.2011 issued by the Department of Finance, Govt. of Punjab as all the petitioners are working as drivers under respondent No.3 and have been discharging duty beyond working hours including on holidays and Sundays and further to grant the above allowances from the due date as per the instructions and release all the arrears along with interest @ 12% per annum.

[3] At the outset, learned counsel for the petitioners states that the petitioners have served legal notice, Annexure P/3 dated 07.07.2021 in respect of their grievances which are the subject matter of the writ petition,

but no decision has been taken on the same till date and that in the

circumstances, the petitioners would be satisfied if the writ petition is disposed of by directing respondent No.3 to consider and decide the claim made in the legal notice, Annexure P/3 dated 07.07.2021 in a time bound manner.

[4] Notice of motion to respondent No.3 only.

[5] Mr. Kanisth Ganeriwala, learned DAG, Punjab, accepts notice on behalf of respondent No.3 and after perusal of the writ petition states that he has no objection to the limited prayer made by learned counsel for the petitioners.

[6] Accordingly, in view of the statement of learned counsel for the parties but without commenting upon the merits of the case, the writ petition is disposed of by directing respondent No.3 to consider and decide the claim made in legal notice, Annexure P/3 dated 07.07.2021 in accordance with law after taking into account all aspects of the matter within three months from the date of receipt of certified copy of the order. It is further directed that in case the claim of the petitioners is accepted, financial benefits as per entitlement be released to the petitioners within four weeks thereafter failing which the petitioners would be entitled to interest @ 6% on the same w.e.f. the due date till date of payment.

[7] Writ petition disposed of with the aforementioned directions.

(B.S. Walia)
Judge

03.11.2021

'Amit'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>