

[131] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-26782-2021

Date of Decision : 23.12.2021

Budh Ram and Ors.

...Petitioners

Versus

State of Punjab and Ors.

....Respondents

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

Present : Mr. Nitesh Singla, Advocate for the petitioners.

B.S. Walia, J. (Oral)

[1] Prayer in the petition under Articles 226/227 of the Constitution of India is for the issuance of a writ, order or direction especially in the nature of Mandamus directing the respondents/Department to step up the pay of the petitioners at par with their junior i.e. respondent No.7 especially in view of letter, Annexure P/7 dated 22.08.2019 as also speaking order, Annexure P/10 dated 17.09.2020 passed by the department in pursuance to order Annexure P-9 dated 19.06.2020 in CWP No.8290 of 2020 in case titled as "Sukhwinder Singh and others vs. State of Punjab and others" whereby other similarly situated persons have been granted the aforesaid benefit. Prayer is also for the issuance of directions to the official respondents to consider and decide legal notice, Annexure P/8 dated 28.09.2021.

[2] At the outset, learned counsel contends that the petitioners have served legal notice, Annexure P/8 dated 28.09.2021 on respondent Nos.1 to 6 in respect of the 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. 2 to consider and decide the claim made in legal notice, Annexure P/8 dated 28.09.2021, in a time bound manner.

[3] Notice of motion to respondent No.2 only.

[4] Mr. Ayush Sarna, AAG, Punjab, accepts notice on behalf of respondent No.2 and on perusal of the writ petition states that he has no objection to the limited prayer made by learned counsel for the petitioners.

[5] In view of the nature of order proposed to be passed, no reply is necessary.

[6] Accordingly, in the light of the position noted above as well as 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. 2 to consider and decide the claim made in the legal notice Annexure P/8 dated 28.09.2021, in accordance with law after taking into account all aspects of the matter, within four months from the date of receipt of certified copy of this order. If on consideration of the claim made in the legal notice, Annexure P/8 dated 28.09.2021, the petitioners are found entitled to the benefit claimed, arrears be released to them w.e.f. a period of 38 months prior to the filing of the writ petition.

(B.S. Walia)
Judge

23.12.2021

'Amit'

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