

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119

CWP-7674-2022

Date of Decision :18.04.2022

Rakesh Kumar Gupta and others

..Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anish Babbar, Advocate for the petitioners.

Mr. Navdeep Chhabra, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioners argues that the petitioners are entitled for fixing of their pensionary benefits keeping in view the settled principle of law settled by this Court in CWP No.7239-2015 titled as **Labh Singh Dhaliwal and other vs. State of Punjab** as well as in view of the judgement passed in LPA No.352 of 2014 titled as **State of Punjab and others vs. A.P. Sharma and others**, which benefit has not been extended to the petitioners and that too without any valid justification.

Learned counsel for the petitioners submits that as per the law settled by the Division Bench of this Court in CWP No.4382-2002 on 21.03.2022 titled as **Satbir Singh vs. State of Haryana**, once a question of law has already been decided by the Court, all the employees are covered by the said judgment and are to be given the same benefits by the respondent-State without forcing them to approach this Court, whereas, in the present case, the respondents are forcing the petitioners to seek the same benefit

which has already been granted to the similarly situated employees.

Learned counsel for the petitioners submits that the petitioners have already raised the said grievance before the respondents by way of filing a legal notice dated 04.03.2022 (Annexure P/2), which is still pending consideration with the respondents and the petitioners will be satisfied in case a time bound direction be issued to the respondent No.3 to decide the said legal notice.

Notice of motion.

Mr. Navdeep Chhabra, DAG, Punjab, who is present in Court, accepts notice on behalf of respondent-State and raises no objection in deciding the legal notice dated 04.03.2022 (Annexure P/2) in a time bound manner by passing an appropriate speaking order.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioners in legal notice dated 04.03.2022 (Annexure P/2), respondent No.3 is directed to decide the legal notice dated 04.03.2022 (Annexure P/2) by passing a speaking order within a period of eight weeks from the receipt of copy of this order.

Present writ petition stands disposed of.

April 18, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No