

**CM No. 4253-CWP-2022 in/and
CWP No. 14396 of 2020**

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

**(109) CM No. 4253-CWP-2022 in/and
CWP No. 14396 of 2020
Date of Decision : 06.04.2022**

Sham Sunder and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Raj Kumar Arya, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

CM No. 4253-CWP-2022

Present application has been filed for preponing the date of hearing of the main petition i.e. CWP No. 14396 of 2020, which now stands adjourned to 12.10.2022.

Notice of the application to the counsel opposite.

Ms. Anju Sharma Kaushik, learned Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of respondent-State and raises no objection for the grant of prayer as raised in the present application.

Keeping in view the above, application is allowed and the hearing of the main petition i.e. CWP No. 14396 of 2020, is preponed from

12.10.2022 to today.

CWP No. 14396 of 2020

Learned counsel for the petitioners argues that in the present case, the claim of the petitioners is based upon the judgment of this Court in CWP No. 13002 of 2012 titled as ***Hardev Singh and another Vs. State of Punjab and others***, decided on 06.12.2012, which judgment has already attained finality but, the petitioners are not being granted the benefit of the said judgment on the ground that they were not party to the said proceedings though, as per the settled principle of law settled by a Division Bench of this Court in CWP No. 4382 of 2002 titled as ***Satbir Singh Vs. State of Haryana***, decided on 21.03.2002, once a question of law has been settled, the same is to be implemented upon all similarly situated employees without forcing them to approach the Court time and again.

Learned counsel for the petitioners submits that the grievance as raised in the present petition has already been raised before the respondents in the legal notice dated 12.10.2019 (Annexure P-5), which is still pending consideration with the respondents and the petitioners will be satisfied, at this stage, in case a direction is issued to the respondents to decide the same by passing an appropriate speaking order in a time bound manner.

Notice of motion.

Ms. Anju Sharma Kaushik, learned Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondents and raises no objection in deciding the legal notice dated 12.10.2019 (Annexure P-5) in a time bound manner by passing an appropriate speaking

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioners in the legal notice, respondent No. 1 is directed to decide the legal notice dated 12.10.2019 (Annexure P-5), by passing a speaking order within a period of eight weeks from the receipt of copy of this order. In case, after the decision of the claim of the petitioners, it is found that the petitioners are entitled for the monetary benefits, the same should also be paid to the petitioners within a period of four weeks thereafter.

Present writ petition stands disposed of.

April 06, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes/No*

Whether reportable? *Yes/No*