

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

114

CWP No.18140 of 2022  
Date of Decision: 08.09.2022

Darshan Singh and others

....Petitioners

## VERSUS

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. R.S. Rangpuri, Advocate for the petitioners.

\*\*\*\*\*

**VIKAS SURI, J. (Oral)**

Petitioners have filed the present petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of mandamus directing the respondents to notionally promote/place the petitioners in the rank of Junior Assistant/Senior Assistant from the dates juniors to them were promoted/placed and for release of consequential benefits on account of re-fixation of the pay and resultant pensionary benefits.

Learned counsel submits that the petitioners had retired on different dates between 2007 to 2021 from different posts, which are part of the service in the same cadre. In view of the decision of the Government dated 04.11.2016, combined seniority list has been revised and the final combined seniority list of Junior Assistants/clerks/ledger keeper/meter clerk was issued on 22.11.2017. Learned counsel also places reliance upon the order dated 05.08.2020 (Annexure P-8) with regard to similarly situated persons, who have been granted the benefit as well as to those who were junior to the petitioners vide separate orders. Reliance is also placed on ***Sukhchain Singh vs. State of Punjab, 2017 (3) SCT 213*** to contend that delay and laches should not come in the way when the remedy is not sought

against private respondents and the relief sought is based on parity. It is further contended that anomaly has arisen on account of the final seniority list being issued in the year 2017 and there is no delay as such.

Notice of motion.

Ms. Ambika Bedi, A.A.G. Punjab accepts notice on behalf of the respondents and waives service.

Learned counsel for the petitioner, on instructions, submits that petitioner would be satisfied, at this stage, in case a direction is issued for decision on the justice demand notice dated 11.01.2022 (Annexure P-15) in a time bound manner.

Learned State counsel raises no objection to the limited prayer seeking consideration and decision in accordance with law, within stipulated time.

Without going into the merits of the case or the claim being made by the petitioner in the present petition or in the justice demand notice, respondent No.3 is directed to consider and decide the claim made in the justice demand notice dated 11.01.2022 (Annexure P-15) in accordance with law, by passing a speaking order within a period of eight weeks from the date of receipt of certified copy of this order.

Needless to observe that in case, after the decision, any amount is found due to the petitioners, the same would be released to them within six weeks from such decision, as per law, without further orders from the Court.

The petition stands disposed of in the aforesaid terms.

**(VIKAS SURI)**  
**JUDGE**

**September 08, 2022**  
*Sachin M./kapil*

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |