

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(113)

CWP-23073-2022

Date of Decision : October 10, 2022

Kamlesh Sahrawat

.. Petitioner

Versus

Haryana State Warehousing Corporation

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Deepak Sonak, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that once the recovery of the excess amount paid to an employee was held to be bad by this Court in the case of similarly situated employee while passing order in CWP No.908 of 1988, decided on 20.12.2011, the grant of the benefit as extended to the petitioner therein by the Department and non-grant of the similar benefit to the petitioner as extended to the petitioner in CWP No.908 of 1988, is totally arbitrary and illegal as, keeping in view the settled principle of law settled by the Division Bench of this Court in *CWP No. 4382 of 2002 titled as Satbir Singh Vs. State of Haryana decided on 21.03.2002* to the effect that once the question of law has already been settled, the same needs to be applied to all the similarly situated rather than forcing everyone to approach the Court time and again claiming the same relief.

Learned counsel for the petitioner submits that after the order Annexure P-7 was passed, the respondent-Board again decided to grant the benefit to all the concerned, who are covered by the said decision but no

benefit has been extended to the petitioner, hence, the respondent is under an obligation to grant the petitioner the benefit as extended to the petitioner in CWP No.908 of 1988.

Learned counsel for the petitioner further submits that the petitioner has already raised the said grievance before the respondents by filing a representation dated 16.11.2021 (Annexure P-11), which is still pending consideration with the respondent and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondent to decide the said representation by passing an appropriate speaking order.

Notice of motion.

Mr. Vivek Saini, learned Additional Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondent and raises no objection in deciding the representation dated 16.11.2021 (Annexure P-11) in a time bound manner by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by her in the representation dated 16.11.2021 (Annexure P-11), the present writ petition is disposed of with a direction to respondent No.1 to decide the representation dated 16.11.2021 (Annexure P-11) within a period of eight weeks from the receipt of copy of this order.

October 10, 2022

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No