

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

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CWP No.23537 of 2022

Date of decision: 14.10.2022

Devinder Kumar

....Petitioner

V/s

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Amrik Singh, Advocate for the petitioner.

Ms. Anju Sharma Kaushik, DAG Punjab.

VIKAS SURI, J. (Oral)

Learned counsel for the petitioner submits that on account of misconstruction on the applicability of notification 03.11.2006 (Annexure P-3) to Junior Engineers, the said benefit was not granted to them. On account of the above, the said dispute was adjudicated upon in CWP-16446-2010, titled *Jaswinder Singh Bedi and others vs. State of Punjab and others*, decided on 20.05.2013 (Annexure P-5), whereby the Junior Engineers who could not have given option, were granted a period of one month from then to give the option as per the Scheme dated 03.11.2006 and a direction was given to consider and decide their claim accordingly.

The intra court appeal preferred against the said adjudication was also dismissed vide decision dated 19.12.2014 in LPA-244-2014, titled *State of Punjab and others vs. Jaswinder Singh Bedi and others*, and SLP (C)-26277-2015 against the said decision of the Division Bench has also been dismissed by the Supreme Court on 04.09.2015. Learned counsel contends that being similarly situated, the petitioner could not have been

differentiated with and after the adjudication wherein it was held that the said notification was applicable to Junior Engineers, it was incumbent upon the respondent authorities to ask for option from the remaining similarly situated employees (JEs).

Learned counsel has also placed reliance upon the judgment titled *Satbir Singh vs. State of Haryana, 2002(2) SCT 354*, pursuant to which, the respondent-State had issued appropriate instructions that were forwarded to all Financial Commissioners, Principal Secretaries and Administrative Secretaries to the Government of Punjab vide letter dated 17.07.2002 (Annexure P-7).

At this stage, learned counsel for the petitioner, on instructions, submits that for the relief claim in the present petition, the petitioner has already served a legal notice dated 23.09.2022 (Annexure P-8). He restricts his claim for decision of the said legal notice by passing a speaking order in a time bound manner.

Notice of motion to that limited extent.

Ms. Anju Sharma, DAG, Punjab, accepts notice on behalf of the respondents and waives service. She submits that the claim raised in the legal notice will be considered and decided in accordance with law, in a time bound manner. She further assures that the Competent Authority shall take into consideration the judgment in *Satbir Singh's case* (supra) and the State Government instructions communicated vide letter dated 17.07.2022 (Annexure P-7).

Heard learned counsel for the parties.

Without expressing any opinion or going into the merits of the case or the claim being made by the petitioner in the present petition or in

the legal notice, respondent No.1/Competent Authority is directed to consider and decide the claim made in the legal notice dated 23.09.2022 (Annexure P-8), 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, petitioner is found entitled for any benefits, the same be paid to him within a period of four weeks thereafter, as per law.

The petition stands disposed of in the aforesaid terms.

(VIKAS SURI)
JUDGE

October 14, 2022
Vcgarg/Ajay

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