

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106)

CWP-29033-2022

Date of Decision : December 16, 2022

Mahabir Singh and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Karanveer Ahuja, Advocate, for
Mr. Subhash Ahuja, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioners submits that the petitioners are entitled for fixation of their pay at par with their junior reserved category employees whom they have caught in higher cadre keeping in view the Instructions dated 05.03.2009 as well as 23.11.2009. Learned counsel for the petitioners further submits that keeping in view the judgment of the Hon'ble Supreme Court of India in *Ajit Singh Januja and others vs. State of Punjab and others 1996(2) SCC 715*, once the petitioners have regained seniority over and above the reserved category employees, they are entitled for step up of their pay equivalent to the said employees. Hence, the respondents are under an obligation to grant the said benefit of step of their pay equivalent to that of respondent No.3 namely, Dalip Singh.

Learned counsel for the petitioners further submits that the petitioners have already raised the said grievance before the respondents by

way of serving a demand notice dated 10.08.2022 (Annexure P/7), which is still pending consideration with the respondents and the petitioner will be satisfied in case a time bound direction is issued to the respondent No.2 to decide the said demand notice.

Notice of motion.

Mr. Harish Nain, AAG, Haryana, who is present in the Court, accepts notice on behalf of respondent-State and raises no objection in deciding the demand notice dated 10.08.2022 (Annexure P/7) 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 their demand notice dated 10.08.2022 (Annexure P/7), respondent No.2 is directed to decide the demand notice dated 10.08.2022 (Annexure P/7) by passing a speaking order within a period of 08 weeks from the date of receipt of copy of this order.

Present writ petition stands disposed of.

December 16, 2022

harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No