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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-3634-2023 (O&M)
Date of Decision: 22.02.2023

AJIT SINGH AND OTHERS

....Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Nitesh Singla, Advocate, for the petitioners.

JASGURPREET SINGH PURI, J. (Oral)

The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of mandamus for directing the respondents to revise the Pension/Family Pension of the petitioners by granting Dearness Allowance @119% on the Basic Pay as on 31.12.2015 in view of letter dated 20.09.2021 (Annexure P-8) and also to grant arrears of Dearness Allowance w.e.f. 01.07.2015 till 31.12.2015, as the same has been granted to similar situated employees of the Government of Punjab vide letter dated 02.12.2022 (Annexure P-10), along with all arrears of pay/pension and consequential benefits along with interest @ 12% p.a.

Learned counsel for the petitioners has submitted that the case of the petitioners is similar to the other similarly situated employees of the

Government of Punjab (Annexure P-10). He further submitted that for the redressal of their grievances, the petitioners have issued a legal notice vide Annexure P-11 dated 21.12.2022, but neither any reply has been received by the petitioners nor the same has been considered and decided by the competent authority. He also submitted that at this stage he will be satisfied in case the legal notice given by the petitioners is considered and decided by the concerned authorities in accordance with law and the time-bound direction be issued in this regard.

Notice of motion.

Ms. Ambika Bedi, AAG, Punjab, accepts notice on behalf of the respondents/State and has stated that she has no objection in case the aforesaid limited prayer of the petitioners is considered and a direction may be issued to the respondents to consider the legal notice of the petitioners and decide the same in accordance with law.

I have heard the learned counsel for the parties.

In view of the aforesaid factual position and without observing anything on the merits of the case, this Court is of the view that at this stage the present writ petition can be disposed of with a direction to the respondents to consider and decide the legal notice (Annexure P-11) given by the petitioners in accordance with law.

Consequently, it is directed that respondent No.4-Head of Department, Water Supply and Sanitation Department, Punjab shall consider and decide the legal notice dated 21.12.2022 (Annexure P-11) issued by the petitioners in accordance with law by passing a well-reasoned

speaking order within a period of four months from today.

Needless to say that in case the petitioners are found to be entitled for any benefit then the same shall be paid to them within a period of three months after calculating the same in accordance with law along with interest.

The present petition stands disposed of.

22.02.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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