

2023:PHHC:095415

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

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CWP No.12922 of 2023 (O&M).
Date of Decision: 27.07.2023.

ASI Sakatar Singh @ Sakattar Singh and others

....Petitioners.

Versus

State of Punjab and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. R.K. Arya, Advocate for petitioners.

Lalit Batra, J.(Oral)

CM-11423-CWP-2023

Learned counsel for applicants/petitioners submits that in view of objection raised by the Registry of this Court, photocopies of Aadhaar Cards/ Identity proofs of petitioners No.1 to 5, 14, 17, 20, 24, 30, 39, 41, 60, 67, 77, 86, 90, 95, 99, 104 to 108, 121, 123, 128, 137, 140, 141, 151, 154 to 158, 163, 165, 167, 175, 177, 183 and 191 alongwith correct memo of parties have been placed on record.

In view of facts mentioned in the application, photocopies of Aadhaar Cards/Identity proofs of above said petitioners alongwith memo of parties are taken on record, subject to all just exceptions.

Application is allowed.

Main Case

This writ petition under Articles 226/227 of the Constitution of India has been moved by petitioners for issuance of writ, order or direction in the nature of Mandamus directing official respondents to rectify the anomaly and to re-fix the pay scale of petitioners at par with their juniors/private respondents w.e.f. 01.08.2007 and to release arrears of pay alongwith interest at the rate of 18%.

2. Learned counsel for petitioners submits that private respondents, who are juniors to petitioners are getting higher salary than that of petitioners and, therefore, petitioners, who are senior to private respondents are entitled for step up of their pay equivalent to that of private respondents.

3. Learned counsel for petitioners while placing reliance on order dated 25.04.2023 passed by this Court in **CWP No.8593 of 2023—Jatinder Kumar and others vs. State of Punjab and others** (Annexure P/2), submits that Co-ordinate Bench of this Court in **CWP No.8290 of 2020—Sukhwinder Singh and others vs. State of Punjab and others**, wherein similarly situated persons had approached this Court and their writ petition was disposed of on 19.06.2020 with the direction to decide their legal notice and while deciding the said legal notice, petitioners in the said writ petition were granted required relief. The prayer of petitioners is that they are also eligible for grant of same benefit being similarly situated.

4. Learned counsel for petitioners further submits that petitioners have already raised their grievance before the respondents by way of serving

Legal Notice dated 25.06.2022 (Annexure-P/1), which is still pending consideration with respondents and interest of justice will be served in case, the authorities concerned are directed to decide the said legal notice in a time bound manner by passing an appropriate speaking order.

5. Notice of motion to respondents No.1 to 3 only.
6. Mr. Inderpreet Singh Kang, Assistant Advocate General, Punjab, accepts notice on behalf of respondents No.1 to 3 and raises no objection in deciding Legal Notice dated 25.06.2022 (Annexure-P/1) served by petitioners, in a time bound manner.
7. In view of above, without expressing any opinion on the merits of the case or the claim being made by petitioners, respondent No.2-Director General of Police, Punjab, is directed to decide Legal Notice dated 25.06.2022 (Annexure-P/1), served by petitioners, by passing a speaking order in accordance with law and that too after affording an opportunity of hearing to parties concerned, within a period of three months from the date of receipt of copy of this order. In case, after passing of order, petitioners are found entitled for any benefit, the same shall be released to them within a period of four weeks from the date of passing of the said order.

Present writ petition stands disposed of.

(LALIT BATRA)
JUDGE

27.07.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No