

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

**CM-18573-CWP-2022 in/and
CWP-22083-2012 (O&M)**

Date of decision : 17.01.2023

Bhag Singh and others

...Petitioner

Vs.

Union of India and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ajay Singla, Advocate
for the applicant-petitioner.

Mr. H.S.Baidwan, Advocate
for respondent Nos.1 to 3.

MANOJ BAJAJ, J.

CM-18573-CWP-2022

This application has been filed by applicants/petitioners under
Section 151 CPC for withdrawal of the main petition.

Learned counsel for the applicants/petitioners states that the
respondent No.4 has proposed to accept the claim of petitioners through
communication dated 12.10.2022, subject to withdrawal of writ petition.
He further states that the writ petition was admitted without issuing any
notice, therefore, if the main case is withdrawn, no prejudice would be
caused to the other side.

Notice in the application.

At this stage, Mr. H.S.Baidwan, Advocate appears on behalf
of respondent Nos.1 to 3 and accepts notice and does not oppose the

prayer.

For the reasons mentioned in the application, same is allowed and on oral request of learned counsel for the parties, the date of hearing of the main petition is pre-poned to today.

Main case

Petitioners have preferred this writ petition for issuance of writ in the nature of Certiorari for setting aside the reply dated 22.09.2012 (Annexure P-14) and further prayed for a writ of Mandamus for issuance of directions to respondents to grant them the pay scale at par with the Punjab Government Employees, who are holding the identical posts.

Today, learned counsel for the petitioner submits that through communication dated 12.10.2022 (Annexure A) respondents have sought legal opinion, according to which the Cantonment Board employees are also entitled to the same pay scale as granted by the Punjab Govt and resolved that if petitioners willfully withdraw the writ petition, the matter will be considered. The relevant extract reads as under:-

“According to legal opinion, the Punjab Govt. employees has been given the pay scale of Rs.140-300 to eligible employees after the decision of Civil Writ petition No.10759 of 1990 and L.P.A No.44 of 2009. Accordingly the Cantonment Board employees are also entitled to the same scale as granted by the Punjab Govt. Accordingly, the representation given by the Cantonment Board Employees having the same qualification should be given equivalent pay scales has been given by the Punjab State. Also at the time, pay scale is increased or finalized as per Punjab State pay scale, all the employees be requested to withdraw their Writ petition having been satisfied. In this connection, all the relevant documents are placed on the table.

32. Resolution- Considered and resolved that if the employees/petition willfully withdraw the CWP under dispute. Thereafter, the Board may consider the issue as per the admissible instructions of State Govt.and Memorandum of

settlement and forward the proposal to the competent authority for necessary action.”

Learned counsel for the petitioners states that in view of above, he does not press this writ petition and prays for withdrawal.

The prayer is accepted.

Writ petition is dismissed as withdrawn.

(MANOJ BAJAJ)
JUDGE

17.01.2023
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No