

2023:PHHC:122285

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

CWP-19756-2014

Date of Decision: 14.09.2023

Tejpal Singh and others

..... Petitioners

Versus

The Municipal Corporation, Sector 17, Chandigarh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Raman Sharma, Advocate
for the petitioners.

Mr. Ashish Rawal, Advocate
for respondents No.1 and 2.

Mr. Sanjiv Ghai, Advocate
for respondent No.3.

HARSH BUNGER J.

1. Petitioners have filed the present writ petition under Articles 226/227 of the Constitution of India seeking quashing of the action of respondents in not regularising the petitioners and denying them the benefits of A.C.P./Time Bound Promotional Scales, pay fixation, G.P.F. deductions, medical allowance and counting of entire service for the purpose of pension. A further prayer has been made for quashing of order dated 07.08.2014 (Annexure P-9) passed by respondent No.2 – Chief Engineer, Municipal Corporation, Chandigarh, whereby one of the petitioners, namely Ram

Kumar (petitioner No.4) was considered for regularization without affording all other benefits as claimed in this petition. Another prayer has been made for directing the respondents to pay all the aforesaid benefits as well as to release the arrears of pay with interest up to date to the petitioners.

2. Learned counsel for respondents No.1 and 2 submits that in view of the averments made in additional affidavit dated 09.03.2023 of Mr. N.P. Sharma, Chief Engineer, Municipal Corporation, Chandigarh, all the thirteen petitioners herein were regularized/deemed to be regularized and all in service benefits, i.e. A.C.P./Time Bound Promotional Scales, medical allowance etc. have been granted to them as per their entitlement. Accordingly, it is submitted that the instant petition has become infructuous.

3. On the other hand, learned counsel for the petitioners submits that a perusal of the aforesaid additional affidavit dated 09.03.2023 reveals that as far as petitioners No.2 and 3 are concerned, it is mentioned that they had not applied for opening of the General Provident Fund Account, accordingly, the said benefit has not been extended to them. Learned counsel further submits that petitioners No.2, 9, 10 and 12 have expired and he is not in a position to make a statement that whether or not the benefits have been extended to them or their legal representatives.

4. I have heard learned counsel for the parties and perused the paper book with their able assistance.

5. The relief claimed in the present petition was for regularizing the petitioners and granting them other benefits, which according to respondents No.1 and 2 already stand granted, however in case, some benefit has not been extended to the petitioners and/or the legal representatives of deceased-petitioners, they shall be at liberty to approach the respondent-Department, which shall consider their request(s) and take necessary action,

in accordance with law, at the earliest.

6. The present petition is disposed of in the aforesaid terms.
7. All pending application(s), if any, shall also stand closed.

14.09.2023

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No