

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-5402-2024 (O&M)
Date of decision: 07.03.2024

Satish Kumar and Another

....Petitioners

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vikas Chatrath, Advocate for the petitioners

AMAN CHAUDHARY. J.

1. The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to grant the benefit of higher grade, which has been revised from time to time alongwith interest @ 18 per annum.
2. Learned counsel would contend that the petitioners have not been granted the benefit of higher grade as revised periodically, in terms of the letter dated 23.07.1957. In pursuance to direction passed on 18.11.2022 in CWP-17981-2013, filed by them, to decide the representation, the same has been rejected on 05.05.2023, Annexure P-9, only on ground of delay and laches, whereas in the cases of similarly situated employees, who had also preferred CWP-24964-2014, decided on 15.12.2014, CWP-23173-2018, decided on 23.10.2018, CWP-14761-2016, decided on 29.05.2019 and CWP-13575-2021, decided on 28.07.2021, wherein similar directions were issued, the Department had granted the relief vide orders dated 12.08.2016 (P-10), 24.07.2019 (P-11),

09.08.2019 (P-12) and 05.06.2023 (P-13). Different yardstick has been adopted in the case of the petitioners, which is impermissible in law. Even otherwise, it being a recurring cause of action, delay cannot come in the way. He prays, on instructions that the petitioners would be satisfied, in case a time bound direction is given to the respondents to reconsider his claim, keeping in view the aforesaid.

3. Notice of motion.
4. At the asking of the Court, Mr. A.S. Bains, AAG Punjab accepts notice on behalf of the respondent-State and is unable to controvert the aforesaid facts and submits that the respondents would not be averse to reconsider the claim.
5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondents to have a re-look at the matter and pass an order afresh, keeping in view the orders passed by the respondents, appended as Annexures P-10 to P-13 and taking note of the pleas raised by the petitioners, within a period of 6 months and if found entitled, necessary benefit be granted to them forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating them therewith.

(AMAN CHAUDHARY)

JUDGE

07.03.2024

M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No