

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-9720-2024 (O&M)
Date of decision: 30.04.2024

Lalit Kumar and another
.....Petitioners
Versus
State of Punjab and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Manu K. Bhandari, Advocate
with Mr. Rohit Kataria, Advocate
and Mr. Manu Gaur, Advocate
for the petitioners.

Mr. Rajesh Sehgal, Addl. A.G., Punjab.

NAMIT KUMAR J. (Oral)

The petitioners have filed the instant writ petition, claiming
the following reliefs:-

*“Civil Writ Petition under Article 226 of the
Constitution of India for issuance of writ of certiorari
thereby modifying the order Annexure P-17 (dated
16.08.2019) whereby the services of the petitioners have
been ordered to be regularized w.e.f. 03.09.2011 instead of
regularizing the petitioners in terms of the policy
instructions Annexure P-1 (18.01.1995) and Annexure P-3
(23.01.2001) or instructions P-6 (dated 15.12.2006) as per
the eligibility of the petitioners and further in terms of the
judgment Annexure P-15 (dated 01.11.2018).*

AND

*A writ of mandamus may kindly be issued thereby
directing the respondents to correctly calculate the arrears
of pay of the petitioners in terms of the calculation sheet
Annexure P-18.*

AND

Further a writ of mandamus may kindly be issued thereby directing the respondents to compute the salary of the petitioners after regularization from the date deemed fit by the Hon'ble Court.

AND

Further a writ of mandamus may kindly be issued thereby directing the respondents to grant the petitioners the arrears of pay on account of implementation of 6th Pay Commission as have been done in the case of the other employees vide Annexure P-26 (dated 11.04.2022) alongwith interest @ 18 % per annum.

AND

Further a writ of mandamus may kindly be issued thereby granting the benefit of the Assured Career Progression Rules Annexure P-25 (dated 22.07.2011) and further directions may be issued to grant the requisite benefits on completion of 4/9 years services alongwith arrears @ 18% per annum.....”

Learned counsel for the petitioners submits that the petitioners have already served a justice demand notice dated 20.06.2023 (Annexure P-28) upon the respondents but still no decision on the same has been taken although a period of 10 months has been passed. He further submits that he shall submit a fresh justice demand notice and the respondents may be directed to consider and decide the same, in a time bound manner.

Notice of motion.

Mr. Rajesh Sehgal, Addl. A.G., Punjab, accepts notice on behalf of the respondents and has no objection to the innocuous prayer made by learned counsel for the petitioners.

Accordingly, the present petition is disposed of with a direction that if any such justice demand notice is submitted by the petitioners with the respondents within a period of 02 weeks from today, the same shall be considered and decided by respondent No.2, by passing a speaking order and after affording an opportunity of personal hearing to the petitioners, within a period of 03 months thereafter.

(NAMIT KUMAR)
JUDGE

30.04.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No