

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

151

CWP-10401-2024

Date of Decision: 06.05.2024

BIRBAL SINGH KUNDU AND OTHERS

... Petitioners

VERSUS

THE STATE OF HARYANA AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Babbar Bhan, Advocate for the petitioners.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for directing the respondents to grant pay of the higher post i.e. District Commandant with effect from 12.01.2011, when the petitioners were given the current duty charge of the said higher post and to fix the pay and pensionary benefits on the pay scale admissible/applicable to the post of District Commandant and further to release the arrears of pay and pensionary benefits alongwith interest @ 18% per annum till actual realization.

After arguing at some length, learned counsel for the petitioners submits that with regard to their grievances, the petitioners have served a legal notice dated 18.12.2023 (Annexure P-2), however, the respondents neither paid any heed towards the same nor did they make any payment to the petitioners.

Notice of motion.

Mr. Vivek Saini, Addl. A.G., Haryana, accepts notice on behalf of the respondents and prays for some time to complete instructions and file response, if necessary.

Learned counsel for the petitioners, however, submits that at this juncture, he would be satisfied if respondent No.2- Commandant General, Home Guards and Director Civil Defence, Haryana is directed to consider and decide the legal notice 18.12.2023 (Annexure P-2) in a time bound manner.

Learned State Counsel does not oppose the prayer made by learned counsel for the petitioner.

Accordingly, in view of the above; with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of while directing respondent No.2 to consider and decide the legal notice dated 18.12.2023 (Annexure P-2) by passing a reasoned and speaking order after affording an opportunity of hearing to the respective parties within a period of three months of the receipt of certified copy of this order.

Needless to mention that upon considering the said legal notice, if any amount is found due and payable to the petitioners, the same shall be disbursed in their favour within a further period of three months.

Petition stands disposed of accordingly.

MAY 06, 2024
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(VINOD S. BHARDWAJ)
JUDGE

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