

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CM-1623-CWP-2024 IN/AND
CWP-15149-2022 (O&M)

Date of Decision: 05.02.2024

SUBHASH CHANDER MALIK AND OTHERS

... Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. R.K. Malik, Sr. Advocate with
Mr. Kartikey Chaudhary, Advocate
for the petitioners.

Mr. Vivek Saini, Addl. A.G., Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

CM-1623-CWP-2024

Instant application has been filed for seeking disposal of the main case in terms of the judgment dated 18.04.2022 (Annexure P-2), which has been further upheld by a Division Bench of this Court vide judgment dated 18.01.2024 (Annexure P-5)

For the reasons mentioned in the application, the same is allowed and the main case is ordered to be taken on the Board of this Court today itself.

MAIN CASE

Prayer in the present petition is for directing the respondents to pay the salaries to the petitioners who were appointed as Lab Technicians (Malaria) by way of direct recruitment, from the date of their appointment, at par with the Lab Technicians who were appointed by way of promotion alongwith all

arrears.

Learned counsel for the petitioners contends that that the petitioner had submitted a detailed representation to the respondents to grant them the pay scales at par with the Lab Technicians (Malaria) and as no decision has been taken thereupon by the respondents, the petitioners have approached this Court by way of filing the present petition. He contends that the controversy in question has already been considered by this Court vide *judgment dated 18.04.2022* passed in the matter of “*Rajesh Kumar and others Versus State of Haryana and others*” bearing No.CWP-16100-1999 and the said judgment was passed in favour of the petitioners therein. The said judgment was subject matter of challenge in *LPA No.949-2022* titled as “*State of Haryana and others Versus Rajesh Kumar and others*”

On 18.07.2022, noticing that the issue involved in the present petition is already pending consideration in the above mentioned LPA No.949-2022, the instant writ petition was adjourned *sine die* and was ordered to be listed after the final outcome of the said LPA.

Vide CM-1623-CWP-2024, the counsel for the petitioners has brought on record the copy of the decision rendered by the Division Bench of this Court on 18.01.2024 in the aforesaid LPA bearing No.949-2022 whereby the judgment of the learned Single Judge dated 18.04.2022 has been upheld.

Counsel for the petitioners contends that the present writ petition may also be disposed of while directing the respondents to consider and decide the pending representation(s) of the petitioners in view of the decision taken by this Court vide judgment dated 18.04.2022 in CWP-16100-1999 which has been affirmed by the Division Bench in LPA No.949 of 2022.

Learned State Counsel has no objection to the prayer made by learned counsel for the petitioners.

Accordingly, with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of with a direction to the Competent Authority-respondent No.3 to consider and decide the representation(s) of the petitioners in a time bound manner and preferably within a period of three months from the date of receipt of certified copy of this order.

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

Petition stands disposed of accordingly.

FEBRUARY 05, 2024
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No