

2312024:PHHC:001807

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-16262-2020 (O&M)
Date of decision: 09.01.2024

Satwinder Singh and Others
State of Punjab and Others

Versus

....Petitioners
....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Manjit Singh Uppal, Advocate for the petitioners.
Mr. T.P.S. Walia, AAG, Punjab.
Mr. Sarthak Gupta, Advocate for respondent No.2.

NAMIT KUMAR J. (Oral)

Prayer in this writ petition filed under Article 226 of the Constitution of India is for issuance of a writ in the nature of mandamus directing the respondents to grant the benefit of Assured Career Progression Scheme (ACP Scheme) as formulated vide Policy Circular dated 03.11.2006 (Annexure P-7) as have been granted to the counter parts of the petitioner by the State of Punjab on the basis of the order passed by this Court in CWP No.16446 of 2010, titled as “*Jaswinder Singh Bedi and others vs State of Punjab and others*” (Annexure P-2), which has been upheld by this Court in LPA No.244 of 2014 vide order dated 19.12.2014 (Annexure P-3) and the petitioners be granted all the benefits along with consequential benefits and interest @ 18% per annum from the date of its accrual till its actual realization.

Learned counsel for the petitioners submits that the petitioners are entitled for the relief as granted vide judgment dated 20.05.2013, which has been rendered by this Court in **CWP No.16446 of 2010, titled as “*Jaswinder Singh Bedi and others vs. State of Punjab and others*”**, decided on 20.05.2013. Learned counsel for the petitioners further submits that the benefit of ***Jaswinder Singh Bedi's case (supra)*** has not been extended to the petitioners on the ground that no order has been passed by the competent Court of law granting the petitioners the same benefit as granted to the petitioners in ***Jaswinder Singh Bedi's case (supra)***.

Learned counsel for the petitioners argues that keeping in view the law settled by the Division Bench of this Court in “*Satbir Singh Vs. State of Haryana*”, 2002(2) SCT 354, once the question of law has been settled, all the similarly situated employees are entitled for the benefit without forcing them to approach this Court.

Learned counsel for the petitioners submits that for the relief which has been sought in the present writ petition, the petitioners have already approached the respondents by serving a legal notice dated 29.07.2020 (Annexure P-10), which is still pending consideration with the authorities and the petitioners will be satisfied, at this stage, in case a time bound direction is issued to respondent No.1 to decide the same by passing an appropriate speaking order, in accordance with law.

To this, learned counsel for the State as well as learned counsel for respondent No.2 submits that the legal notice, which is indeed pending consideration with the authorities, shall be considered and decided in the stipulated time as granted by this Court.

In view of the above, without expressing any opinion on the merits of the case or the claim being made by the petitioners, respondent No.2 is directed to decide the legal notice dated 29.07.2020 (Annexure P-10), by passing a speaking order within a period of 06 weeks from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioners are entitled for any monetary benefit, the same shall also be released to them within a period of next 03 months.

Present writ petition stands disposed of.

(NAMIT KUMAR)
JUDGE

09.01.2024
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No