

2025:PHHC:130863



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP 27865 of 2025

Date of Decision: 22.09.2025

Naresh Kumar

...Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Ms. Alka Chatrath, Advocate
for the petitioner.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present writ petition under Article 226/227 of the Constitution of India claiming the following relief:-

“Petition under Articles 226/227 of the Constitution of India for the issuance of an appropriate writ, order or direction, especially a writ in the nature of Certiorari, quashing Clause-5 in the Advertisement dated 10.05.2021 (P-3) and the appointment letter dated 20.02.2024 (P-7) to the extent of granting the petitioner the initial pay scale/Pay Matrix of Rs.19900/- as per 7th Central Pay Commission in violation of Statutory Rules, "Punjab Home (Jails) Department State Service (Class-III Executive) (3rd Amendment), Rules, 2016 (P-2) which action has been held to be illegal by the Hon'ble Court in CWP No.15896 of 2023

titled as Saurabh Sharma & ors. vs. State of Punjab & ors. vide judgment dated 13.09.2024(P-9).

*It is further prayed that a writ of Mandamus may kindly be issued directing the respondents to grant the pay scale of Rs.10300-34800+3200 Grade Pay as revised by the 6th Punjab Pay Commission, as mentioned under the Statutory Rules-"Punjab Home (Jails) Department State Service (Class-III Executive) (3rd Amendment), Rules, 2016 (P-2) providing for the pay scale of Rs. 10300-34800+3200 grade pay to the post of Warder as per law declared by the Hon'ble Court in the matter of **Saurabh Sharma and Others Vs. State of Punjab and Others** which has been upheld by the LPA Bench vide judgment dated 10.12.2024 (P-10) against which the SLP filed by the State has also been dismissed and benefits have been given to all the persons.*

*It is further prayed that a writ of Mandamus may kindly be issued directing the respondents to treat the appointment of petitioner w.e.f. the date the candidates lower in merit than him have been appointed against advertisement dated 10.05.2021 (P-3) as he cannot be punished for the delay in his appointment, keeping in view the judgment dated 16.12.2021 passed by the Hon'ble Supreme Court in "**Sadhana Singh Dangiv V/S Pinki Asati, 2022 (12) SCC 401**" (P-12).".*

2. Learned counsel for the petitioner submits that the petitioner has served a legal notice on the respondents on 25th June 2022 (Annexure P-13) but the same is still pending with the respondents. At this stage, she will be satisfied, in case, the appropriate directions are issued to the respondents to decide the

aforesaid legal notice in a time bound manner in the light of observations made by the Hon'ble Supreme Court in the matter of **"Saurabh Sharma and others Vs. State of Punjab and Anr."** dated 13.09.2024, which has been duly upheld by a Division Bench of this Court in LPA-2977-2024 (O&M), titled as **"State of Punjab and Anr. Vs. Dr. Saurabh Sharma and Others"**.

3. Notice of motion.

4. On the asking of the Court, Mr. Surya Kumar, AAG, Punjab, who is present in the Court, accepts notice on behalf of the official respondents and has no serious objection to the limited prayer made by learned counsel for the petitioner, at this stage.

5. I have heard learned counsel for the parties and perused the record carefully.

6. At this stage, it would be appropriate to direct the respondent No.2 to decide the legal notice dated 25.06.2025 (Annexure P-13) in view of the law laid down by this Court in CWP-15896-2023, titled as **"Saurabh Sharma and others Vs. State of Punjab and Anr."** dated 13.09.2024, in LPA-2977-2024 (O&M), titled as **"State of Punjab and Anr. Vs. Dr. Saurabh Sharma and Others"** and **"Sadhana Singh Dangiv V/S Pinki Asati, 2022 (12) SCC 401"** within a period of four months of date of receipt of certified copy of this order.

8. Needless to observe that the respondent No.2 shall pass a speaking and well reasoned order in the light of the above referred

judgments as well as relevant rules/instructions and in case, it is found that the petitioner is entitled to relief claimed in the aforesaid legal notice, consequently, all benefits may also be released to the petitioner forthwith along with some reasonable rate of interest.

9. Disposed off in the aforesaid terms.

22.09.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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