
(2012) 06 P&H CK 0029
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 11712 of 2012

Karnail Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 01-06-2012

Acts Referred:

Citation : (2012) 06 P&H CK 0029

Hon'ble Judges : Ajay Tewari, J

Bench : Single Bench

Advocate : Alka Chatrath, for the Appellant;

Judgement

Ajay Tewari, J.—The grievance raised in this petition is for the grant of pay revision w.e.f. 01.11.1971 instead of 16.07.1975. Notice of motion.

2. On being asked, Ms. Monica Chhibber Sharma, Deputy Advocate General, Punjab, accepts notice on behalf of the respondents.

3. Learned counsel for the petitioners undertakes to supply three copies of the petition to the learned DAG during the course of the day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

4. Having regard to the nature of order which I propose to pass, there is no necessity to call upon the respondents to file their counter-reply (ies)/affidavit(s), at this stage.

5. It is not disputed that the facts of this case is covered by the judgment of this Court in the case of Lekh Raj Khara and others vs. State of Punjab and another, passed in CWP No. 2208 of 1989 decided on 24.03.2009 and therefore as per the learned counsel for the petitioners this petition should be disposed of in the same terms.

6. Learned Deputy Advocate General however states that in the present case there is a distinction in so much as the present petitioners have come to the

Court after huge delay and therefore there should be a restriction of payment of arrears for a period of 38 months prior to filing of the writ petition as decided by this Court in the case of Tarlochan Singh and others vs. State of Punjab and others, passed in CWP No. 12054 of 2011 decided on 13.07.2011.

7. However, learned counsel for the petitioners has countered by stating that after the decision in Tarlochan Singh's case (supra) the Hon'ble Mr. Justice Surya Kant has himself departed from the said order in so much as in subsequent orders His Lordship has not restricted the payment of arrears as decided in the matter of Tilak Raj and others vs. State of Punjab and others, passed in CWP No. 13588 of 2011 decided on 13.02.2012.

8. In this view of the matter, in my considered opinion, it would be more appropriate to follow the subsequent judgment because His Lordship would definitely aware of his earlier view and has consciously departed therefrom. It is not disputed that no appeal has been filed in Tilak Raj's case (supra). The reliance by the learned Deputy Advocate General in the matter of Sucha Singh vs. State of Punjab and others, passed in L.P.A. No. 1996 of 2011, decided on 31.10.2011, would also in my considered opinion is not strictly applicable in the facts of the present case. Resultantly, this petition is disposed of in terms of the judgment passed in Lekh Raj Khara's case (supra).