

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.13165-13166/2001

(From the judgement and order dated 27/03/2001 in CWP 16461/97
of the High Court of Punjab & Haryana at Chandigarh)

MANU Petitioner (s)

VERSUS

STATE OF PUNJAB & ORS. Respondent (s)

Date : 03/05/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s) Mr. Prem Malhotra, Adv.

For Respondent (s)

State Mr. Anil Nag, Adv.
Mr. R.K. Bansal, Adv.

RR 2 & 3 Mr. H.L. Tikku, Sr.Adv.
Ms. Yesmeet, Adv.
For Mr. Ashok K. Mahajan, Adv.

UPON hearing counsel the Court made the following

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Leave granted.

Heard learned counsel for the parties.

The impugned orders passed by the High Court do
not contain any reasons for dismissal of the Writ
Petition. In these appeals, the appellant has inter alia
raised following questions of law:

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A. Whether the Petitioner is entitled for
Selection Grade after 15 years of regular
service and Senior Scale after 8 years of
regular service in terms of government
instructions?

B. Whether the arrears of revised pay scale
and senior scale can be withheld for an
unlimited period so as to deprive the
petitioner of his due benefits?

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C. Whether the dismissal of the writ

petition in limine and without a speaking order is contrary to the law settled by this Hon'ble Court in Subhash Chandra@@
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Choubey and others v. State of Bihar and@@
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others [(1998) 8 SCC 714] as well as in@@
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Municipal Corporation of Delhi v. Gobind@@
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Ram and another [(1998) 8 SCC 520]?@@
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Considering the averments made in the Writ Petition and in these appeals, in our view, it is apparent that the questions involved in the writ petition required consideration.

Hence, these appeals are allowed and impugned orders dated 27.3.2001 passed in CWP No.16461/97 and dated 8.5.2001 passed in R.A.No.150 of 2001 by the High Court are set aside. The High Court to decide, by a speaking order, the writ petition on merits in accordance with law after giving an opportunity of hearing to both the parties.

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Madhu

(K.K. Chadha)
Court Master