

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.1778 of 1993
Date of Decision: 07.01.2015

Kartar Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Kriteka Kashyap, Advocate,
for the petitioners.

Mr. Sushant Maini, Sr. DAG, Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

Ms. Kriteka Kashyap, learned counsel appearing for the petitioners submits that this matter is covered by the Division Bench decision of this Court in LPA No.504 of 2012; State of Punjab and others vs. Baldev Raj Mittal and others. Copy of order dated May 22, 2014 is ordered to be appended at the end of the paper book.

In the Intra Court Appeal, the following order was passed:-

"This order shall dispose of two appeals bearing LPA No.504 of 2012 and 136 of 2013. The facts are being taken from LPA No.504 of 2012 (O&M) for disposal of the aforesaid two appeals.

The respondents and large number of other similar situated JBT/JV Teachers filed 18 writ petitions claiming grant of higher benefits for acquiring higher qualifications. All the 18 writ petitions were disposed of by passing the impugned judgment on 15.04.2009. Very suprisingly, out of 18 writ petitions so decided, the appellant-State has preferred to file appeal only in two cases i.e. Civil Writ Petition No.3931 of 1992 and 7567 of 1996. Qua

other petitioners in other 16 cases, judgment was accepted and relief was granted.

If that is so, if any interference is made in these two cases, it would amount to gross discrimination with the respondents herein.

No case is made out to cause interference by this Court in the present appeals.

Dismissed."

Mr. Maini is unable to resist this petition in terms of the order passed by the Division Bench and pleads that he can do no better. He, however, submits that liberty should be granted to the State to test the view of the Division Bench even though in 16 cases the judgment was accepted and relief was granted by the State. These are matters for the State to consider and nothing can be said as an expression of judicial opinion at the hands of this Court.

The petition stands disposed of as above.

(RAJIV NARAIN RAINA)
JUDGE

07.01.2015
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