

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

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**Civil Writ Petition No.10382 of 2015
Date of Decision:21.05.2015**

Jaswant Singh and otherspetitioners

Versus

State of Punjab and othersrespondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.R.K.Arora, Advocate
for the petitioners

ARUN PALLI, J.(ORAL):-

A writ in the nature of mandamus is prayed for, so as to direct the respondents to afford the benefit of increments to the petitioners for having discharged the duties on higher posts in terms of Rule 4.4 (c) (i) and 4.13 of Punjab Civil Services Rules, Vol.I, Part-I (for short 'the Rules'). Accordingly, their pay be re-fixed and consequently their pension pursuant to refixation of their pay, in terms of the Government instructions dated 20.07.2011 (Annexure P9) and 23.04.2012 (Annexure P10).

Petitioners purport to have joined the department on different teaching posts on regular basis. Pursuant to the orders passed by the respondents, they rendered considerable length of service as Block Primary Education Officers/Principals, with powers of Drawing and Disbursing Authority, on officiating basis. As they discharged the duties and functions of higher posts, apart from their own duties as teachers, they were entitled to an additional increment. Earlier, most of the petitioners, along with few others had preferred Civil Writ Petition No.11505 of 2012, claiming benefit of pay and emoluments of the higher post and pay protection. The said petition was disposed of on 01.06.2012, in terms of the decision rendered in CWP No.9023 of 2012, on 15.05.2012. Though, the respondents afforded benefit of pay scale of the higher posts to the petitioners,

but they were not granted the benefit of additional increment, for having discharged duties of a higher responsibility, in terms of rule 4.4 of the Rules.

It is maintained that, prior to the institution of this petition, respondents were even served upon a legal notice dated 20.12.2014 (Annexure P13), but that too has failed to evoke any response. Learned counsel for the petitioner contends that the matter in issue is covered by a decision rendered by a Full Bench of this Court in *CWP No.21358 of 2008*, decided on 20.12.2011. But despite that being so, claim of the petitioners continues to await consideration by the authorities. He submits that let this petition be disposed of, only, with a direction to the respondents to consider and decide the legal notice (Annexure P13) served by the petitioners, within a specified time.

That being so, and, without expressing any opinion on merits, the instant petition is disposed of with a direction to the respondents, to consider and decide the claim of the petitioners as set out in their legal notice dated 20.12.2014 (Annexure P13), strictly, in accordance with law, within a period of three months, from the date of receipt of the certified copy of this order. Needless to assert, a comprehensive order shall be passed assigning reasons, in support of the decision arrived at.

21.05.2015

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(ARUN PALLI)
JUDGE