

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

CWP No.12757 of 2015
Date of decision: 06.07.2015

Jaspal Kaur and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. RK Arora, Advocate for the petitioners.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI J. (Oral)

A writ in the nature of mandamus is prayed for, so as to direct the respondents to afford the petitioners the benefit of notional pay fixation and seniority on the basis of their merit determined by the recruiting authority at the time of selection, in terms of Rule 11 of the Punjab State Education Class-III (School Cadre) Service Rules, 1978. And also in terms of the law laid down by this court in CWP No.19832 of 2003, titled Charan Dass Sharma v. State of Punjab and others (Annexure P7). The Government of Punjab, department of Education sent requisitions to different employment exchanges in the State for selection and appointment to the

post of Art & Craft Teacher in the year 1988. Petitioners competed for selection and despite being successful they were not issued appointment letters by the department, as they were alleged to have passed two years Art & Craft Diploma from another State and not from the State of Punjab. The said action was assailed by filing CWP No.9661 of 1988 and the same was allowed on 17.11.1993. The SLP against the said decision too was dismissed on 02.09.1994. As a result, petitioner No.1 was given appointment on 20.07.1999. And petitioners No.2 & 3 were afforded employment on 12.07.1999. Accordingly, petitioner No.1 joined duty on 21.07.1999. Likewise, petitioners No.2 & 3 joined duty on 17.07.1999. It is maintained that in similar circumstances writ petition filed by one Charan Dass Sharma on 09.07.2004 seeking directions to the respondents to refix his pay and seniority in the wake of the merit determined by the recruiting agency, without any arrears of salary, was allowed by the Division Bench of this court. And the said decision has since attained finality, as civil appeal preferred against the same was dismissed by the Hon'ble Supreme Court on 21.07.2006. Number of petitions are purported to have filed thereafter and the benefit of pay fixation and seniority on the basis of merit/ranking assigned to the candidates by the selection committee was afforded to the petitioners in those cases. Petitioners too are purported to have made numerous representations in this regard claiming

the same relief, but to no avail. They claim to have made a representation dated 22.01.2015 (Annexure P13) to respondent No.2 to afford them the benefit of notional pay fixation and seniority as per rules and as allowed to the Masters/Mistresses, vide general order dated 26.09.2012. But that too has failed to evoke any response. It is stated that colleagues of the petitioners, who too served a separate legal notice dated 29.09.2012, has filed CWP No.25751 of 2012, claiming the same relief, as is being claimed by the petitioners herein and the said petition was disposed of on 20.12.2012 with a direction to the respondents to consider and decide the claim of the petitioner, as made out in the legal notice.

Learned counsel for the petitioners submits that let this petition, at this stage, be disposed of only with a direction to respondent No.2, to consider and decide their representation (Annexure P13), submitted by the petitioners, within a specified time.

That being so, and without expressing any opinion on merit and particularly as regards the issue of delay/limitation, if any, this petition is disposed of with a direction to respondent No.2, to consider and decide the claim of the petitioners, as set out in their representation dated 22.01.2015 (Annexure P13), strictly in accordance with the law, within a period of three months from the receipt of certified copy of this order. Needless to assert, a

comprehensive order shall be passed, assigning reasons in support of the decision arrived at.

July 6 2015
Rajan

(Arun Palli)
Judge