

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

**Civil Writ Petition No.17844 of 2015
Date of decision: 27.8.2015**

Jarnail Singh and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Vikas Chatrath, Advocate,
for the petitioners.

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

RAJIV NARAIN RAINA, J.(Oral)

The petitioners have been discharging the officiating duties of the higher post in their substantive rank as Masters/Centre Head Teachers. They have been discharging the duties either as Headmasters/BPEO of Government Schools in the Education Department. They claim salaries of the higher post on the principle of *quantum meruit* which principle was first noticed and recognised by the Supreme Court in Mrs.P.Grover v. State of Haryana and others, 1983 (4) SCC 291 and numerous decisions of the Supreme Court and this Court thereafter. The petitioners have served a notice of demand for justice addressed to the decision-making authority amongst the respondents but have received no response from them and nothing has been communicated to them as to the fate of their notices.

Mr.Chatrath submits that in such circumstances, instead of delaying the matter through the process of notice of motion and receiving

reply of the State, it would serve the ends of justice, if a direction is issued to the respondents to consider and decide notice [P-9] within a time bound period.

The request of Mr.Chatrath is fair and reasonable.

Since the matter is covered by judicial precedent, this Court should not be made to waste its time on such matters which the Administrator must honestly and faithfully discharge by a just decision keeping the law on the subject in mind. Therefore, a direction is issued to the respondents to consider and decide notice [P-9] and in case relief is grantable, the same be handed over and the arrears of difference of salary found payable for the period worked on the higher post in each case stands satisfied and to do so within a period of one month from the date of receipt of a certified copy of this order. In case, the amounts are found due, it would not be necessary for a speaking order to be passed and the rights of parties can be operated through office orders. In case and for any reason an adverse order is contemplated, then the petitioners would have a right to be heard and that would necessitate the passing of a reasoned order. In case, hearing is required, then the time period fixed is extended by another 30 days.

(RAJIV NARAIN RAINA)
JUDGE

August 27, 2015

Paritosh Kumar