

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP NO.19226 of 2015 (O&M)

Date of decision: 11.9.2015

Neerad Agnihotri & Ors

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Sunil Agnihotri, Advocate for the petitioner

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

RAJIV NARAIN RAINA, J. (Oral)

In cases of similarly situated persons who were appointed as Lecturers in their respective subjects w.e.f. 16th December, 2006, the Government has taken a decision on 31st October, 2013 (Annexure P-4) that they will be treated on parity and their joining will be taken from the date when the juniors were appointed, but the monetary benefits and arrears will be admissible only from the date of actual joining and their pay will be fixed notionally. It is the claim of the petitioners that their case falls squarely within the fair dispensation in the order dated 31st October, (Annexure P-4) passed by the Director of Public Instruction (S.E.), Punjab. In this case, one of the petitioner's representation dated 26th January, 2015 remains pending even though he has been informed by the School Education Department, Chandigarh vide communication dated 29th January, 2015 (Annexure P-5) that his

representation has been forwarded to the appropriate authority for remedial action, but no final decision has been conveyed to him nor has he been called for personal hearing.

Learned counsel for the petitioners prays that a direction be issued to the decision-maker in the respondents to consider taking an appropriate decision on the representation of the petitioners in terms of the decision already taken on 31.10.2013 (Annexure P-4) by the Director of Public Instruction (S.E.), Punjab in the case of similarly placed persons. It is well embodied in the law that equals should be treated equally otherwise it would amount to unfair discrimination and would infringe Article 14 of the Constitution of India. The State should not prevent similar relief for an unreasonable time as that compels aggrieved persons to approach this Court unnecessarily at great expense and time unnecessarily clogging the dockets of this Court.

In these circumstances, a direction is issued to the decision-maker in the respondents to take up the file and grant relief to the petitioner on due consideration of the case on merits within a week from the date of receipt of a certified copy of this order as the matter is no longer *res integra* and is covered by the decision of the government itself.

With the above directions, this petition stands disposed of.

(RAJIV NARAIN RAINA)

JUDGE

11.9.2015

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