

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

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Civil Writ Petition No.19972 of 2014

Date of Decision: August 05, 2015

Gurdeep Kaur D/o Chandan Singh, W/o Ajit Singh, Retd. S.S. Mistress,
Govt. High School Khurla Kingra, Distt. Jalandhar, R/o 177, G.T.B. Nagar,
Jalandhar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of the counsel for the petitioner that the petitioner was appointed as a J.B.T. Teacher on 16.09.1972 and possessed higher qualification of Giani, which she acquired in the year 1969. She has been granted the promotion to the post of S.S. Mistress in the year 1995 and retired as such in the year 2003. Petitioner is seeking benefit of the clarification issued by respondent No.2 vide order dated 30.05.2003 (Annexure P-1), which benefit the petitioner has not been granted till date. He contends that a similarly placed employee has been granted the benefit vide order dated 28.05.2010 (Annexure P-9) passed by this Court in *Civil Writ Petition No.10453 of 2010* titled as *Bhupinder Singh Versus State of Punjab and others*, where a direction was issued to the respondents to decide the legal notice of the petitioner, which ended in ultimate release of the consequential benefits. Petitioner has been approaching the respondents for grant of the benefit and has served a legal notice dated 23.05.2014

(Annexure P-2) upon respondent No.2-The Director Public Instructions (Secondary Education), Punjab, but without any response.

Counsel for the petitioner when confronted by this Court with regard to the delay in approaching the Court at this belated stage, he contends that the petitioner may not be granted the arrears and the notional fixation may be made by the respondents with regard to the pay and pension, so that for future, the petitioner may get the benefit of the Instructions of the Punjab Government dated 30.05.2003. In support of this contention, he has placed reliance upon the Full Bench judgment of this Court passed in *Civil Writ Petition No.14874 of 1995* titled as *Saroj Kumari Versus State of Punjab*, decided on 04.05.1998.

In view of the statement made by the counsel for the petitioner, without going into the merits of the case or commenting thereon, the present writ petition is disposed of with directions to the Director of Public Instructions (Secondary Education), Punjab-respondent No.2, to consider and decide the legal notice of the petitioner dated 23.05.2014 (Annexure P-12) within a period of four months from the date of receipt of certified copy of this order.

In case the petitioner is held entitled to the claim as made in the legal notice dated 23.05.2014 (Annexure P-12), she shall not be entitled to any arrears but to notional fixation of pay and the consequential fixation of pension from the date of filing of the writ petition.

In case the claim of the petitioner is not to be accepted, a well reasoned and speaking order be passed and conveyed to her forthwith.

August 05, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE