

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

C.M. No. 8746 of 2014 in/and
CWP No. 9537 of 2011
Date of decision: 03.09.2015

Tarsem Lal and others

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. O.P. Gabba, Advocate,
for the petitioners.

Mr. Pankaj Mulwani, DAG, Punjab.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 8746 of 2014

Application has been filed for taking up the main case to decide the same.

Vide order dated 05.08.2013, the case was adjourned sine die to await the decision in LPA No. 504 of 2012. The said LPA has been dismissed on 22.05.2014.

Accordingly, the application is allowed.

Main case is taken up for hearing today.

CWP No. 9537 of 2011

In the reply filed by the State to the above application, it has been submitted that the speaking orders in the month of August, 2015 have been passed in the cases of the petitioners which have been appended as Annexures R-1 and R-2 wherein, they have been given certain benefits

subject to some conditions. The operative part reads as under:-

“In view of this settled legal position the below mentioned petitioners are hereby granted un-revised pay scale of Rs.110-250 and subsequent revised correspondent pay scale from the date they have acquired qualification of BA/FA subject to the following conditions:-

(g) That the petitioners should have acquired the said higher qualification prior to 19.2.1979 and they should be in service before 19.2.1979.

(h) That a testimonial copy of certificate of qualification of the petitioners shall be kept on record and their authentication and genuineness shall be ensured by the concerned Drawing and Disbursing Officers.

(i) That the benefit of higher pay scale shall be admissible upto 31.12.1985 as per provisions contained in the Punjab Pay Scale of Teachers Act, 2004 and after 31.12.1985 they will get the pay scale of their own post.

(j) That the petitioners shall be entitled to the arrears of pay, if any, prior to 38 months from the date of filing of the present writ petition.

(k) That any decision to be given by the Apex Court in pending SLP shall be binding on the petitioners.

(l) The concerned Drawing and Disbursing Officers shall be responsible for revision of pensionary benefits of the petitioners, if need be, from the Accountant General, Punjab, Chandigarh.

4. With the aforesaid order, the claim of the petitioners shall stand disposed of.”

Counsel for the petitioners submits that the said orders are not

tenable.

However, once the orders have been passed and certain benefits have been granted, it is for the petitioners to challenge the said orders in accordance with law to substantiate his argument that the same are discriminatory or the petitioners are entitled for certain rights over and above which have been granted.

Accordingly, the present writ petition is disposed of as having been rendered infructuous with liberty to the petitioners to challenge the orders, if they deem it necessary.

03.09.2015
shivani

(G.S. SANDHAWALIA)
JUDGE