

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

**CWP No.23569 of 2015
Decided on : 04.11.2015**

Bimla

... Petitioner

Versus

State of Punjab & others

... Respondents

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

Present : Mr.R.S.Chauhan, Advocate, for the petitioner.

G.S. Sandhawalia , J. (Oral)

The petitioner seeks the benefit of release of the arrears of the pay scale from the date she was promoted, which have not been released to her.

The case of the petitioner is that she was appointed as Social Studies Mistress on 22.11.1982 and promoted to the post of Head Mistress vide order dated 17.04.1995 (Annexure P2) which was not given effect to on account of the criminal proceedings pending arising out of a family matrimonial dispute. On approaching this Court, her promotional order was restored on 19.07.2011 (Annexure P6) and one junior, namely, Smt.Trishla Devi was promoted as PES Class-II (Principal) on 28.04.2010. The petitioner filed CWP No.15347 of 2013, in which direction was issued on 19.07.2013 to consider her claim and take a final decision. In view of the said direction, she was promoted on 02.04.2014, being a left out case but was given only the benefit of notional pay on seniority from 15.02.2010, the date her junior was

promoted. She made representations, thereafter, on 22.08.2014, 13.10.2014 and 25.11.2014, for redressal of her grievances and also served a legal notice dated 04.02.2015 (Annexure P13) but of no avail.

Counsel for the petitioner submits that in view of the decision having not been taken by the authorities, he would be satisfied, at this stage, if a decision is taken on the legal notice since the financial benefits are not being given despite the fact that she is not at fault.

Without going into the merits of the case and keeping in view the above limited controversy, this Court does not feel necessary to call upon the State to submit response.

Accordingly, the writ petition is disposed of with a direction to respondent No.1 to take a decision on the legal notice dated 04.02.2015 (Annexure P13) regarding the denial of the financial benefits to the petitioner for the period the same was given to her junior, within a period of 3 months from the receipt of a certified copy of this order. If the petitioner is found entitled, the same be released to her within a period of 2 months, thereafter. If the amount is to be denied, then reasoned order be passed and the same be communicated to the petitioner.

NOVEMBER 04, 2015
sailesh

(G.S. SANDHAWALIA)
JUDGE