

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

(i)

CWP No. 25132 of 2015
Date of decision: 02.12.2015

Amanpreet Kaur and others

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

(ii)

CWP No. 25151 of 2015

Ramandeep Kaur and others

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

AND

CWP No. 25171 of 2015

Navdeep Kaur and others

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. Hitesh Verma, Advocate,
for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

The present order shall dispose of 3 writ petitions i.e. CWP Nos. 25132, 25151 and 25171 of 2015, as common questions of facts and law are involved in all the writ petitions. For reference, CWP No. 25132 of 2015 is being taken up.

The petitioners seek a direction for payment of the arrears of the anomaly in pay of the period from November, 2011 to September, 2014

to the tune of ₹34,676/-.

The pleaded case of the petitioners is that they were appointed as Primary Teachers in different schools in the year 2006. On 01.10.2011, the Pay Commission report was implemented and the annual increments were merged in the basic salary. As per the Service Rules, special increment of one year was to be granted after completion of 4, 9 and 14 years of service. The teachers who were appointed in 2006 were entitled to the special increments in the year 2010 and five increments (4 relating to the year 2006-10 + 1 special) were merged in the basic salary. Teachers who were appointed subsequently were granted the benefits of the Pay Commission and put in the same pay scale of ₹10300-34800+4200 and were granted special increments in the year 2011 and it resulted in a pay anomaly as juniors started getting more salary than the petitioners. Letter dated 12.08.2010 was issued by the Finance Department to bring the salary of senior teachers at par with the junior teachers and step up promotion was made effective from November, 2011 to September, 2014 and therefore, the petitioners were entitled for the amount of ₹34,476/-.

The petitioners, on account of notification dated 19.09.2014, were relieved by the Rural Development Department and joined the Education Department but have been denied the said arrears. A legal notice dated 07.07.2015 (Annexure P-3) was served upon the respondents no. 3 and 4 for the necessary relief which was duly forwarded to respondent no. 2 on 05.08.2015 (Annexure P-4) but no action has been taken and counsel submits that he would be satisfied if a time bound decision is taken on the same.

It is further pointed out that this Court in ***CWP No. 12023 of***

2015, Bharti Gupta and others vs. State of Punjab and others decided on 29.05.2015 had also issued similar directions and payments have also been made to the employees in those cases.

Notice of motion.

Mr. R.S. Sidhu, AAG, Punjab accepts notice on behalf of the respondents. Copy of the writ petition has been supplied to him in Court.

Keeping in view the limited relief sought, this Court is of the opinion that there is no need for the respondents to file reply.

Accordingly, without commenting on the merits of the case, the writ petition is disposed of with a direction to respondent no. 2 to decide the legal notice dated 07.07.2015 (Annexure P-3) within a period of 3 months from the date of receipt of certified copy of the order. In case the petitioners are found entitled for the said amount, the same be paid within 1 month thereafter. Needless to say if the relief is to be denied, a reasoned order be passed and conveyed to the petitioners.

02.12.2015
shivani

(G.S. SANDHAWALIA)
JUDGE