

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2554 of 2015

Date of Decision: 13.02.2015

Raksha Devi

... Petitioner

Versus

State of Punjab & anr.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. P.K. Goklaney, 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)

The issue involved in this case is with respect to the date from which arrears have to be paid on notional promotion or on the basis of joining. It happens that in a case of a person similarly situated the respondent Director Public Instructions, Punjab has by order dated 18th September 2013 granted him arrears of increased salary from the date of joining and from 16th November 2006 [the date of retrospective promotion] till actual joining and thereafter salary will be fixed notionally. On the other hand, in the case of the petitioner, it has been ordered that no arrears of pay shall be admissible even from the date of actual joining. The adverse order in the case of the petitioner was passed on 1st April, 2014. To remove this anomaly, the petitioner sought justice and filed a representation before the competent authority by way of application (Annexure P-10) which has not so far been decided and nothing has been conveyed to the petitioner.

In the circumstances, it is found meet and just that the direction should go to the competent authority amongst the respondents to take up the representation and pass a final order thereon by applying the principle of

parity of treatment which is a constitutionally protected right of equality. In case, anomaly is rectified then no hearing would be required nor a speaking order would need to be passed. If any departure from past precedent is found legally valid or is contemplated then the petitioner will be heard and a speaking order will be passed and duly communicated to her without delay and within one week of its disposal. The entire exercise be carried out within 30 days from the date of receipt of certified copy of this order and in case, hearing is required, the period would stand extended by a fortnight.

The petition is disposed of in the above terms.

13.02.2015
monika

(RAJIV NARAIN RAINA)
JUDGE