

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

**CWP No.26824 of 2015
Decided on: 22.12.2015**

Chaman Lal

...Petitioner

Vs.

State of Punjab and others

...Respondents

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

Present: Mr. Rajesh K. Dadwal, Advocate
for the petitioner.

G.S.Sandhawalia, J.

The petitioner seeks quashing of communication dated 15.06.2015 (Annexure P-3) whereby respondent No.3 - District Education Officer, Hoshiarpur has rejected the claim of the petitioner on account of the fact that the petitioner has not approached this Court and therefore, the benefit of having service in the aided school cannot be given.

The petitioner has placed reliance upon the judgment of this Court in **CWP No.14238 of 1991** titled as **Sukhdev Singh and ors. Versus State of Punjab and ors.** decided on 10.03.2010 (Annexure P-1). The claim is accordingly pressed that he is also entitled to the benefit of service he had rendered in a privately managed school prior to joining the Government School for the purpose of pensionary benefits. The petitioner, who was appointed as Art and Craft Teacher on 11.11.1993 in the Lailpur Khalsa College Senior Secondary School, Sham Churashi, Hoshiarpur where he worked till 19.12.1996. Thereafter he joined on 20.12.1996 as a drawing teacher in Government School at Village Ramgarh Sikri,

District Hoshiarpur and retired in June, 2015. He was thereafter granted one year's extension which is to continue upto 30.06.2016. The legal notice dated 19.12.2014 (Annexure P-2) was served upon the respondents for the necessary benefits in view of the judgment passed in Sukhdev Singh's case (supra), which has been rejected by the respondents as petitioner has not approached this Court.

Notice of motion.

Mr. Anshul Gupta, AAG, Punjab accepts notice on behalf of the respondents. Copy of the paper book has also been supplied.

In view of the limited prayer made by counsel for the petitioner, the Court does not feel it necessary to call upon the State to file reply.

The said approach of respondent No.3 is absolutely baseless and totally arbitrary. The said respondent is encouraging litigation. There are instructions of the State Government that where the issue stands decided the necessary relief should be granted. In spite of that, the said respondent has not decided the issue on merits.

In view of the judgment passed in **CWP No.4382 of 2002 titled as Satbir Singh vs. State of Haryana, 2002(2) SCT 354** the government has also issued instructions where the rights of the parties have been settled. The instructions provide that the State must accept the judgment and implement it in its true spirit and grant the same relief to the employees, who are similarly situated and whose facts are identical.

Accordingly, the said order is not sustainable and is quashed. Without commenting on the merits of the case, the present writ petition is disposed of with a direction to respondent No.3 to

decide the issue afresh within a period of 2 months from the date of receipt of certified copy of the order. In case any relief is liable to be granted to the petitioner, the benefit be given within a period of 2 months thereafter. Needless to say that in case the relief is to be declined, a speaking order be passed and conveyed to the petitioner.

22.12.2015
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(G.S.SANDHAWALIA)
JUDGE