

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.3619 of 2015

Date of Decision: 11.08.2015

Smiksha Walia

.... Petitioner

Versus

The State of Punjab and others

.... Respondents

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

Present: Mr. Sunny Singla, 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.

1. The grievance of the petitioner is that though she has completed 14 years of service on September 01, 2011 as regular JBT teacher but the benefit of the Assured Career Progression Scheme at the stage of 14 years has not been granted to her even though it has been due for a sufficiently long time. The Department has not considered the claim so far which has compelled her to approach this court to seek a mandamus to the State to grant her the financial benefit of the scheme. She has claimed the benefit in a legal notice dated January 06, 2014 addressed *inter alia* to the Director of Public Instructions (Elementary Education), Punjab, Mohali but the same has not been decided so far.

2. In the circumstances, learned counsel for the petitioner prays that a direction may be issued to the competent authority in the Administrative Department to consider and decide the aforesaid legal notice

in a time bound manner.

3. The request is fair, reasonable and justified especially when an inordinately long time has elapsed without her grievance being attended to and redressed. Consequently, a direction is issued to R-2 & 3 to take up the legal notice in hand and hear the petitioner and pass a speaking order on the aforesaid legal notice within 30 days of notice of this order. In case, the petitioner is eligible for the benefit in terms of the ACP scale then benefit be granted to her within 30 days from the date of the decision. In case, the benefit claimed is found due and payable for the reason it was admissible under the scheme and it was withheld without any justification the amount shall earn interest @6% per annum simple till realization.

4. With these directions, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

11.08.2015
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