

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

CWP No.8976 of 2015
Date of decision: 29.05.2015

Manoj Kumar and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. PK Goklaney, Advocate, for the petitioners.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI J. (Oral)

Writ in the nature of mandamus is prayed for, so as to direct the respondents to remove the anomaly in pay between senior and junior ETT teachers in Zila Parishad, Patiala, as the benefit under the ACP Scheme on completion of four years' service was extended to the junior teachers. A direction to the respondents is also prayed for, to step-up the pay of senior equal to junior teachers, in terms of the Government Instructions dated 13.10.2014(Annexure P-2).

It is averred that as the junior ETT teachers were not granted the benefit under the ACP scheme on completion of 4 years' service, they preferred a Civil Writ Petition i.e. CWP-27375-2013, titled Jagtar Singh and others v. State of Punjab and others, and the said petition was disposed of with a

direction to the respondents to consider the claim of the petitioners therein. As a result, junior teachers were afforded the benefit of additional increment under the scheme and consequently, their pay was fixed at a higher level than the senior teachers and, thus, the anomaly. The following demonstrates the situation: Initially the pay scale of the petitioners was 12090 (pay band) + 4200 (grade pay) = 16290 (basic pay) and the post benefit under the scheme to the juniors, they were placed in a pay scale of 12580 (pay band) + 4200 (grade pay) = 16780 (basic pay). And as of now, the petitioners are placed in the pay scale of 13610 (pay band) + 4200 (grade pay) = 18350 (basic pay) and the juniors are in the pay scale of 14150 (pay band) + 4200 (grade pay) = 18350 (basic pay). It is maintained that in terms of the Punjab Government instructions dated 13.10.2014 (Annexure P2), the anomaly that has occurred needs to be removed by the department by fixing the pay of senior employees at par with their junior counterparts. So much so, vide letter dated 24.12.2014 (Annexure P4), the Additional Deputy Commissioner, Development-cum-Chief Executive Officer, Zila Parishad, Patiala (respondent No.5) issued instructions to BDPO, Patiala to remove the anomaly in pay of the ETT teachers. Resultantly, the anomaly has since been removed in few blocks of District Patiala, vide letter dated 29.12.2014 (Annexure P5), but not in block Patran. Petitioners purport to

have represented to the authorities in this regard number of times but to no avail. Likewise, number of representations is alleged to have been made i.e. 10.12.2014 (Annexure P6) and 13.02.2015 (Annexure P7), but that too failed to evoke any response.

Learned counsel for the petitioners submits that let this petition be disposed of only with a direction to respondent No.6, to consider and decide the representations (Annexures P6 & P7), submitted by the petitioners, within a specified time.

That being so, and, without expressing any opinion on merits, the instant petition is disposed of with a direction to respondent No.6, to consider and decide the claim of the petitioners, as set out in their representations dated 10.12.2014 and 13.02.2015 (Annexures P6 & P7), strictly in accordance with law, within a period of three months, from the date of receipt of the certified copy of this order. Needless to assert, a comprehensive order shall be passed assigning reasons, in support of the decision arrived at.

May 29, 2015
Rajan

(Arun Palli)
Judge