

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

CWP No.9937 of 2015
Date of decision: 18.05.2015

Munish Kumar and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Ms. Kriteka Sheokand, 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 pay anomaly between senior and junior ETT teachers in Zila Parishad Patiala, that has resulted on account of implementation of ACP scheme on completion of four years of service qua the persons, who were junior to the petitioners. And consequently, a direction is sought to the respondents to step-up the pay of senior teachers so as to bring the same at par with the juniors, in terms of the Government instructions dated 13.10.2014 (Annexure P4). It is averred that the petitioners were appointed as teachers in 2006 & January 2007 and received the benefit under ACP scheme in 2010. Their juniors, who joined the services in November 2007, were afforded the benefit under the scheme in November 2011. As a result, their

pay was fixed at a higher level than the petitioners. That being so, respondent No.5 issued instructions to respondent No.6, vide letter dated 24.12.2014 (Annexure P6), to remove the anomaly in the pay of ETT teachers. Resultantly, anomaly as regards Nabha and other blocks of District Patiala has since been removed, except Block Samana. Petitioners even represented to the respondents in this regard vide representation dated 28.01.2015 (Annexure P8). But to no avail. So much so, pursuant to the instructions issued by the ADC Sangrur, similar anomaly in fixation of pay of seniors and juniors has already been removed by BDPO, Sunam.

Learned counsel for the petitioners submits that there is an apparent inaction at the instance of respondent No.6 i.e. Block Development and Panchayat Officer, Samana, as despite representation (Annexure P8) and lapse of a considerable time, their claim continues to await consideration. She submits that at this stage, let this petition be disposed of only with a direction to respondent No.6, to consider and decide the representation (Annexure P8), submitted by the petitioners, within a specified time.

That being so, and without expressing any opinion on merits, and particularly as regards the issue of delay/limitation, if any, this petition is disposed of only with a direction to respondent No.6, to consider and decide the claim of the petitioners, as set out in their representation dated

28.01.2015 (Annexure P8), strictly in accordance with law, within a period of 3 months from the receipt of certified copy of this order. Though, needless to assert, a comprehensive order shall be passed, assigning reasons in support of the decision arrived at.

May 18, 2015
Rajan

(Arun Palli)
Judge