

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

**Civil Writ Petition No. 14175 of 2008 (O&M)
Date of Decision: 24.09.2016**

Surinder Mohan Khosla and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sanjeev Pandit, Advocate
for the petitioners.

Mr. Inder Pal Goyat, Additional Advocate General, Punjab
for the respondents/State assisted by
Mr. Iqbal Singh, Senior Assistant, Office of Director of Public
Instructions (Colleges), Punjab, Chandigarh.

JASWANT SINGH, J. (ORAL)

CM No. 11611-CWP of 2016

Present application has been filed on behalf of the petitioners
for placing on record the affidavit in view of the order dated 07.09.2016,
passed by this Court.

For the reasons mentioned in the application, the same is
allowed and the document-affidavit of the petitioner(s) is taken on record.

Registry is directed to tag/paginate the same at appropriate
place.

MAIN CASE

Fifteen (15) petitioners, who retired on different dates while
holding Current Duty Charge of the post of Principal in the Education

Department, Higher Education, Punjab, are claiming regular promotion or in the alternative pay of the post of Principal(s) with effect from the date(s) they were given Current Duty Charge, and thereafter the consequential revised retiral benefits. The details of the petitioners are as under:-

<i>Sr. No.</i>	<i>Name of Petitioner(s)</i>	<i>Date of Joining as Lecturer</i>	<i>Date of Posting as Principal Current Duty Charge (CDC)</i>	<i>Place of Posting</i>	<i>Date of Retirement</i>
1	Surinder Mohan Khosla	16.07.1964	05.05.1998	G.C., Jalandhar	31.01.2000
2	Joginder Singh	13.07.1964	14.01.1998	G.C., Zira	31.08.1998
3	Krishna Devi Singla	19.10.1968	31.10.2000	Govt. Nehru Memorial College, Mansa	30.11.2000
4	M.M. Singh	19.07.1965	21.03.2000	Govt. Mahindra College, Patiala	31.05.2000
5	S.K. Bhatia	16.07.1965	24.03.1999	Govt. College, Naya Nangal	30.04.1999
6	Kirpal Singh	01.02.1966	19.11.1999	MR Govt. College, Fazilka	31.01.2000
7	Sarshotam Singh Sohi	23.02.1968	10.08.2000	MR Govt. College, Fazilka	31.01.2001
8	K.L. Narang	29.01.1965	02.08.1998	G.C., Kapurthala	30.09.1998
9	Balwinder Singh	09.07.1965	24.03.1999	G.C., Talwara	31.03.1999
10	Nirmaljit Kaur	30.07.1971	07.01.1998	G.C., Ajnala	28.02.1998
11	V.K. Moudgil	13.07.1964	06.01.1998	G.C., Kala Afgana	06.01.1998
12	Gurmeet Pal Singh Bhatia	04.01.1968	26.07.2000	Govt. Sanmati Science College, Jagraon	30.04.2002

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13	Suresh Kumar Seth	07.09.1967	08.06.2000	Govt. Art and Sports College	28.02.2001
14	Kartar Singh	22.02.1965	30.04.1998	G.C., Faridkot	31.10.1998
15	Gurdial Singh	06.10.1966	27.01.2001	S.M. Govt. College, Tanda Urmar	30.06.2001

Learned counsel for the petitioners submits that the issue of grant of emoluments of the higher post held by the petitioners even on Current Duty Charge basis is squarely covered by the judgment of the Hon'ble Supreme Court reported as Secretary-cum-Chief Engineer, Chandigarh Versus Hari Om Sharma and others JT 1998 (3) SC 654, as also a Division Bench of this Court reported as Chhavinder Kohli Versus State of Punjab 2001 (1) RSJ 391, commanding that the employees are entitled to the salary of the higher post on which they have held the Current Duty Charge. He also submits that the posts of Principal in the promotion quota were available, however, the same were not given due to general ban on promotion imposed by the Government on account of conflicting judgments. He further submits that the matter is squarely covered by the decision of this Court dated 05.05.2008, passed in a bunch of writ petitions including CWP No. 1345 of 2001 titled 'Niranjan Singh and others Versus State of Punjab and others (Annexure P-6)', whereby the similarly situated lecturers holding Current Duty Charge of the post of Principal(s) in the same department were granted the relief.

Learned State Counsel, assisted by Mr. Iqbal Singh, Senior

Chandigarh, very fairly accepts that the case of the petitioners is covered by the decision in the light of judgment at **Annexure P-6**.

Accordingly, the present petition is disposed of, directing the Competent Authority/respondents to consider the claim of the petitioners in terms of the decision dated 05.05.2008 (**P-6**) within a period of six months from the date of receipt of certified copy of this order and the admissible benefits shall be released to them within next six months.

September 24, 2016

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**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes
Whether Reportable	No