

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

CWP No.10208 of 2016

Date of decision: 23.5.2016

Kamlesh Devi

... Petitioner

Versus

State of Punjab & ors.

... 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.(Oral)

The petitioner seeks direction to grant the benefit in terms of the decision of this Court in Civil Writ Petition No.3931 of 1992-Baldev Raj Mittal and others v. State of Punjab and others decided on 15.4.2009 [P- 7] which was upheld in LPA No.504 of 2012-State of Punjab and others Vs. Baldev Raj Mittal and others decided on 22.5.2014 [P-8]. The relief of J.S.T. Grade of Rs.110-250/- and revised grade from time to time on the basis of higher qualification is sought in view of memo dated 22.6.2015 wherein similarly situated teachers working in aided schools were granted the said benefit with all consequential benefits regarding refixation of pay, pensionary benefits and payment of arrears etc. along with interest.

Counsel for the petitioner submits that the petitioner retired on 31.08.2009 and has filed representation dated 27.10.2015 [P-10] with the respondent No.2 taking the plea that the higher qualification of B.A. was acquired on 27.6.1972 prior to the cut off date i.e.19.2.1979. The

petitioner was thus entitled for the relief granted in Baldev Raj Mittal's case [supra]. It is further submitted that in view of memo the State itself has taken a decision on 8.6.2015 which has been circulated on 22.6.2015 that benefit is to be granted to similarly situated persons in view of instructions issued in light of Satbir Singh's case.

Counsel for the petitioner submits he would be satisfied if a direction is issued to respondent no.2 to decide the said representation dated 27.10.2015 [P-10] within some time frame. Notice of motion.

Mr. Harkesh Manuja, Additional Advocate General, Punjab accepts notice on behalf of respondents. Copy of the writ petition has been supplied to him.

Keeping in view the limited relief sought by the petitioner, this Court is of the opinion that there is no requirement of receiving any reply on behalf of the State. Accordingly, without commenting upon the merits of the case the present writ petition is disposed of with a direction to respondent No.2 to take into consideration the said representation dated 27.10.2015 [P- 10] and pass an appropriate order in accordance with law within a period of three months from the date of receipt of a certified copy of this order. The arrears with all consequential benefits be paid within two thereafter in case of favourable consideration. In case any adverse order is to be passed then a reasoned order be passed by the said respondent The present writ petition is disposed of with the aforesaid directions.

(RAJIV NARAIN RAINA)
JUDGE

23.5.2016

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