

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.4073 of 2016

Date of Decision: 01.03.2016

Smt. Sukhwinder Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

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

Present: Mr. R.K. Arora, 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 Coordinate Bench has passed the following order:-

*“Petitioners have approached this Court with a grievance that despite there being an authoritative judgment passed by this Court in CWP No. 2208 of 1989 titled as **Lekh Raj Khera and others vs. State of Punjab and another**, decided on 24.03.2009 (Annexure P-6), petitioners have not been granted the pay revision w.e.f. 01.11.1971 instead of 16.07.1975. Claiming the said benefit, petitioners have served a legal notice dated 19.11.2012 (Annexure P-11) upon the respondents but till date, no decision thereon has been taken or conveyed to the petitioners.*

Counsel for the petitioners contends that the petitioners, at this stage, would be satisfied if directions are issued to the Director, Public Instructions (Secondary Education) Punjab respondent No. 2 to consider and decide the legal notice dated 19.11.2012 (Annexure P-11) within some specified time.

Without going into the merits of the case or commenting thereon, the present petition is disposed of

with directions to the Director, Public Instructions (Secondary Education) Punjab respondent No. 2 to consider and decide the legal notice dated 19.11.2012 (Annexure P-11) within a period of five months from the date of receipt of certified copy of this order. Decision so taken be conveyed to the petitioners forthwith.

In case the claim of the petitioners, as projected by them through their representation, is accepted, the consequential benefits, if any, be released to them, in accordance with law, within a further period of two months. It is clarified that in the eventuality of the petitioners being found entitled to the requisite relief, it shall be open for the respondent authorities to restrict the benefit of arrears to a period of 38 months from the date of submission of the representation. In case the claim of the petitioners is not to be accepted, a well-reasoned and speaking order be passed and conveyed to them forthwith.

This petition is disposed of in the same terms but the period of completing the exercise of deciding the claim would run from the date of receipt of certified copy of this order in terms of the order above for the same period.

(RAJIV NARAIN RAINA)
JUDGE

01.03.2016
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