

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.843 of 2016

Date of decision: 15.1.2016

Sudesh Kumari

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. R.K.Arora, Advocate for the petitioner.

G.S.SANDHAWALIA, 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 Vs. State of Punjab and others decided on 15.4.2009 (Annexure 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 (Annexure P/16). The relief of J.S.T. Grade of ₹ 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 (Annexure P/19) 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 30.9.1999 and has filed representation dated 11.8.2015 (Annexure P/17) with the respondent no.2 taking the plea that the higher qualification of inter/FA was acquired on 4.7.1966 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 (Annexure P/19) 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 11.8.2015 (Annexure P/17) within some time frame.

Notice of motion.

Mr. Avinit Awasthi, Assistant Advocate General, Punjab accepts notice on behalf of respondents. Copies of the writ petition have 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 11.8.2015 (Annexure P/17) 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 and be conveyed to the petitioner.

The present writ petition is disposed off with the aforesaid directions.

January 15, 2016
Pka

(G.S.SANDHAWALIA)
Judge