

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 9418 of 2016
Date of decision: 13.05.2016

Sarabjit Kaur and othersPetitioner(s)

Versus

State of Punjab and others ...Respondent(s)

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

Present: Mr. G.S. Samra, Advocate,
for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks the grant of pay scale and other emoluments prescribed for the higher post on account of performance of their duties on higher responsibilities on account of holding the said charge for many years.

It is the case of the petitioners that they had joined as Masters/Lecturers and had rendered service of officiating Head Masters, Principals, DPEOs having powers of Drawing and Disbursing Authority for a considerable period, on account of which, they are entitled for the higher pay. The period in question regarding the petitioners has been given in Annexure P-1, which reads as under:-

<i>Sr. No.</i>	<i>Name</i>	<i>Date of Regular</i>	<i>DDO Time</i>	<i>Date of Retd.</i>
1	Late Darshan Singh	01/01/73	01.11.1993 to 31.07.1995, 01.02.1997 to 31.05.2005	31.09.2005

<i>Sr. No.</i>	<i>Name</i>	<i>Date of Regular</i>	<i>DDO Time</i>	<i>Date of Retd.</i>
2	Narain Dass	26.11.1966	25.10.1991 to 13.01.1992 04.12.1993 to 28.04.1994 06.04.1998 to 11.04.2000	31.07.2000
3	Kartar Singh	10.01.1998	06.02.2002 to 31.03.2003	31.03.2003
4	Boota Ram	01.12.1961	17.01.1997 to 31.05.1999	31.05.1999

Counsel submits that instructions dated 23.04.2012 (Annexure P-8) were issued by respondent no. 2 to grant the said benefit only to the parties in litigation in CWP No. 8924 of 2010, Jaswant Singh and others vs. State of Punjab, decided by this Court which was taken to the Apex Court also in SLP No. 36467 of 2011 decided on 16.12.2011. It is accordingly submitted that the same would be against the principles laid down by the Division Bench in *Satbir Singh vs. State of Haryana, 2002 (2) SCT 354* and the petitioners would also be entitled to the said benefit.

Counsel submits that legal notice dated 25.04.2016 (Annexure P-10) has already been served upon the respondents for the necessary relief but no action has been taken upon the same. Counsel further submits that he would be satisfied if the same is decided within a time bound frame.

Notice of motion.

Mr. R.S. Sidhu, AAG, Punjab accepts notice on behalf of respondents. Copy of the writ petition has been supplied to him in Court.

Keeping in view the limited relief sought, this Court is of the opinion that there is no need for the respondents to file reply.

Accordingly, without commenting on the merits of the case, the writ petition is disposed of with a direction to respondent no. 2 to ensure

that decision is taken on legal notice dated 25.04.2016 (Annexure P-10) within a period of 3 months from the date of receipt of certified copy of the order. Needless to say if the relief is to be denied, a reasoned order be passed and conveyed to the petitioners.

13.05.2016
shivani

(G.S. SANDHAWALIA)
JUDGE