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CWP No. 8806 of 2002

**PREM KUMARI SEKHRI
VS.
STATE OF PUNJAB AND OTHERS**

Present: Mr. Vipin Mahajan, Advocate
for the petitioner

Mr. H.S.Garcha, DAG Punjab

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The petitioner was appointed as Art & Craft Teacher on 16.3.1972 and retired as Art & Craft Teacher on 31.1.2002. All the retiral benefits which were due as Art & Craft Teacher were released to her. Somehow, the State of Punjab for some reasons wanted to reduce the pay scale of the petitioner by converting her from Art & Craft Teacher to Sewing Teacher retrospectively from the date of her initial appointment. This is the subject matter of the present writ petition. According to the petitioner similar matter arose in CWP No. 6306 of 1991; Nirmal Kaur vs. State of Punjab decided on 27.1.1992 which writ petition was allowed (copy Annexure P-20) of the writ petition. Further, he has submitted that similar point also arose in CWP No. 11309 of 1997; decided on 18.12.1997 and CWP No. 10393 of 2001; decided on 3.8.2012 and further in CWP No. 19804 of 2001; decided on 7.2.2003. It may be observed here that against the judgment in CWP No. 11309 of 1997 (supra) State of Punjab went before the Apex Court by filing SLP No. 19786 of 1998, later on converted as CA No. 1382 of 1999. The primary stance of the State was that since in SLP No. 19786 of 1998 the Hon'ble Supreme Court had stayed the operation of the judgment of the High Court, the order cannot be challenged by the

petitioner. Learned counsel for the petitioner has brought to our notice the judgment in CA No. 1382 of 1999 decided on 18.3.2004 by the Apex Court dismissing the appeal of the State Government against the judgment in CWP No. 11309 of 1997.

In this view of the matter, the defence of the State Government falls to the ground. Learned counsel states that the State Government will not act upon the impugned order dated 16.1.2002 (Annexure P-16) and may be considered as quashed. In view of the stance taken by the State Government and the aforesaid judgments, the writ petition stands disposed of. However, parties are at liberty to revert back if it is found that the case is not covered by the aforesaid judgments specially when the stance of the State Government was SLP No. 19786 of 1998 (CA No. 1382 of 1999) of the Apex Court which stands dismissed.

Copy of the order be given to learned counsel/parties.

(R.S.Mongia)
President

(Arvind Kumar)
Member

17.03.2017

Janki