

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

Sr. No.118

Civil Writ Petition No.19827 of 2017
DECIDED ON: September 01, 2017

HARBANS RAJ AND OTHERS

..PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sanjeev Kumar Arora, Advocate,
for the petitioners.

JASPAL SINGH, J. (ORAL)

By virtue of instant civil writ petition preferred under Articles 226/227 of the Constitution of India, petitioners have sought the issuance of an appropriate writ, order or direction especially in the nature of mandamus directing the respondents to extend the benefit of judgment passed by this Court in CWP No.16095 of 2012 captioned as Baldev Singh and ors. vs. State of Punjab & ors., decided on May 16, 2016 (P-8) to the petitioners and further to count the service rendered by them prior to January 01, 1986 in Classical and Vernacular scale for the purpose of granting the benefit of proficiency step up increment as benefit has been granted to similarly situated persons vide order dated July 12, 2017 (P-10) issued by respondent No.2 with all consequential benefits such as re-fixation of pay and pension along with arrears and interest thereon @ 12% per annum.

Civil Writ Petition No.19827 of 2017

2. The contention of learned counsel for the petitioners is that vide impugned letter/order dated April 21, 2009 the benefits of three advance increments granted to the petitioners have been ordered to be withdrawn after more than two and a half decades i.e. in the year 2011 that too, without affording any opportunity of being heard to the petitioners. He further contends that a large number of writ petitions are referred by similarly situated officials and that were allowed. During the pendency of aforesaid writ petitions, respondents have taken a decision in favour of the officials of the Education Department but even it has not been implemented and translated into monetary terms.

3. Learned counsel for the petitioners further contends that similar benefits have already been granted to the petitioners by way of acceptance of CWP No.16095 of 2012 captioned as ***Baldev Singh & ors. vs. The State of Punjab & ors.*** decided on May 16, 2016.

4. Learned counsel for the petitioners further submits that a legal notice dated November 12, 2016 (P-9) was also served to the respondents but no conscious decision has been taken thereof. Even time and again requests are being made to the concerned authorities but did not fetch any response.

5. In the facts and circumstances referred to above, this Court is of the considered view that proper and spirit to dispose off the instant petition by giving a direction to respondent No.2-Director Public Instructions (E.E.), Punjab, Punjab School Education Board Building, Education Complex, Fifth Floor, Phase-8, Mohali to look into the grievances unfolded by the petitioners in the representation dated November 12, 2016 (Annexure P-9) and to take a conscious decision by passing a speaking order that too, after

Civil Writ Petition No.19827 of 2017

giving a patience hearing to the petitioners within a period of three months from the date of receipt of a certified copy of this order. In case, respondent No.2 comes to the conclusion that petitioners are entitled to the relief(s) claimed, same be released/disbursed to them within a period of next 45 days. Factum of interest in view of judgment passed by Full Bench of this Court in case *A.S. Randhawa vs. State of Punjab & Ors., 1997 (3) SCT 468* as well as judgment passed by this Court in CWP No.8772 of 2015 captioned as *Charan Dass vs. State of Punjab & Ors.* decided on July 11, 2017, be also considered on delayed payment(s).

6. However, if petitioners still feel aggrieved by any order of the afore-said authority, they shall be at liberty to approach this Court.

September 01, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No