

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

Sr. No.106

**Civil Writ Petition No.22397 of 2017
DECIDED ON: October 03, 2017**

SNEH LATA

..PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sunny Singla, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of instant civil writ petition, preferred under Article 226/227 of the Constitution of India, petitioner has 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 her 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.22397 of 2017

--2--

2. The contention of learned counsel for the petitioner is that vide impugned letter/order dated April 21, 2009 the benefits of three advance increments granted to the petitioner have been ordered to be withdrawn after more than two and a half decades i.e. in the year 2010 that too, without affording any opportunity of being heard to the petitioner. 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 petitioner 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 petitioner further submits that a legal notice dated June 02, 2017 (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 petitioner in the legal notice dated June 02, 2017 (Annexure P-9) and to take a conscious decision by passing a speaking order that too, after giving a

Civil Writ Petition No.22397 of 2017

--3--

patience hearing to the petitioner 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 petitioner is entitled to the relief(s) claimed, same be released/disbursed to him 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 petitioner still feels aggrieved by any order of the afore-said authority, he shall be at liberty to approach this Court.

October 03, 2017

Sham/Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes/No
Yes/No**