

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 25766 OF 2017
DECIDED ON: NOVEMBER 13, 2017

RAJ SAWINDER SINGH

.....PETITIONER..

VERSUS

SECRETARY TO GOVERNMENT OF PUNJAB AND OTHERSRESPONDENTS..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Gurbhajneek Singh Samra, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus directing respondents No.1 & 2 to consider the representation dated 22.08.2016 (P-3) in view of order dated 23.09.2016 (P-4) of respondent No.3 and grant benefits of higher pay scale on account of higher qualification.

2. The contention of learned counsel for the petitioner is that on the basis of letter dated 03.07.2015 (Annexure P-1) issued by Director Public Instructions (SE) Punjab, SAS Nagar, the benefit of higher qualification was given to all the officials either in service or retired from the privately aided schools. Copy of which was forwarded to all District Education Officers as well as other authorities for its implementation.

3. Learned counsel for the petitioner further contends that the

petitioner moved a representation dated 22.08.2016 (P-3) to the Principal, Senior Secondary School, Sahinsara seeking grant of benefit under the aforesaid instructions dated 10.07.2015 and his case was considered and forwarded to the concerned authorities by the District Education Officer (SE) Amritsar but till date no final decision has been taken by the concerned authorities and the matter is lingering on since then. Ultimately, the petitioner was constrained to serve a legal notice dated 01.09.2017 (Annexure P-5) upon the respondents calling upon them to decide his case but even the aforesaid legal notice has not been responded by any of the respondents. Learned counsel for the petitioner submits that petitioner feels satisfied in case direction is issued to respondent No.2 to decide his case within some stipulated period.

4. Taking into consideration the aforesaid aspect but without expressing any opinion on merits, respondent No.2 is directed to consider the case of the petitioner and take a conscious decision by passing a speaking order, within a period of three months from the date of receipt of certified copy of this order.

5. However, if the petitioner still feels aggrieved against the order passed by the concerned authority, he shall be at liberty to approach this Court.

NOVEMBER 13, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes***

Whether reportable ***Yes/No***