

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

CWP No.10114 of 2018
Date of decision: 25.04.2018

Rishi Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Jagbir Malik, Advocate for the petitioner.

ARUN PALLI, J. (Oral)

Notice of motion.

Mr. RK Doon, AAG, Haryana, present in Court, accepts notice on behalf of the respondents. Copies furnished.

For the nature of order I propose to pass in the matter, no formal written statements/counter affidavits on behalf of the respondents are indeed necessary, at this stage. Thus, with the consent of the parties, the petition is being disposed of finally.

The petitioner prays for a writ in the nature of mandamus, directing the respondents to protect his pay, he was drawing on 05.08.2010 while working as JBT Teacher and fix the same in terms of Rule 4.4 of Punjab Civil Services Rules Volume 1 Part-I (applicable to Haryana) w.e.f. 05.08.2010 i.e. the date he joined as Demonstrator in Physical education, with all consequential benefits. It is urged that in fact the claim of the petitioner was recommended by the School authorities as also the District

Elementary Education Officer, but the same is pending consideration before the Director School Education. And even otherwise the matter is covered by an order and judgment dated 26.04.1990, rendered by the Division Bench of this Court in LPA No.1009 of 1988 (State of Punjab and another v. Balwant Rai). Further, the repeated representations as also the legal notice dated 02.01.2018 (Annexure P7), the respondents have been served with, has failed to evoke any response.

As to this, learned State counsel submits that claim/grievance of the petitioner shall be considered and dealt with by the respondents within a period of 3 months from today. And appropriate orders, in accordance with law, shall be passed.

The petition is accordingly disposed of in the above terms.

Needless to assert that in the event the claim of the petitioners is declined, the respondent-authorities shall pass a comprehensive order assigning reasons in support thereof.

25.04.2018
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO