

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

CWP No.21830 of 2014 (O&M)

Date of decision: 29.08.2018

Kulwinder Kaur

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Vikash Chatrath, Advocate with
Ms. Komal Bidhan, Advocate and
Mr. Manreet Singh Sidhu, Advocate for the petitioner(s)

Ms. Harsimrat Rai, DAG, Punjab.

Jitendra Chauhan, J. (Oral)

By way of the present petition, the petitioner seeks issuance of a writ in the nature of mandamus directing the respondents to continue to grant the benefit of three increments which had been granted to the petitioner in the pay scale of Classical and Vernacular Teachers with effect from date of her passing qualification of Giani/Prabhakar, in view of the instructions issued by the State of Punjab.

Learned counsel for the petitioner contends that the petitioner has been deprived of the benefit granted to other similarly situated persons in view of the judgment dated 16.05.2016 passed by this Court in CWP-16095-2010 titled as **Baldev Singh and others** Vs. **State of Punjab and others**. The petitioner is seeking the same relief as had been granted to other petitioners in CWP-16095-2010. He further states

that as regards to the prayer for extending revised pay/pensionary benefits to the petitioner,, the State had re-fixed and revision pension case of the petitioner has been sent to respondent No.3 on the basis of decision of Officer's Committee, vide memo dated 16.02.2015, whereas the core issue of three advance increments is left to be decided by the respondents. He further submits that the respondents may be directed to consider the claim in the light of instructions dated 25.07.2002 issued by the Finance Department, Punjab.

Learned State counsel is unable to controvert the submissions made on behalf of the petitioner.

Heard.

The grievance of the petitioner for extending revised pay/pensionary benefits stands already redressed by the respondents and only the issue left for redressal is for grant of three advance increments which was earlier granted to her vide memo dated 07.08.1985 issued by respondent No.1 vide which it was clarified that the teachers who have passed examination of Giani/Prabhakar shall be entitled for three advance increments, however, later on, the said benefit of three increment had been restricted with effect from the date of passing the Giani/Prabhkar.

In **Manjeet Kaur and others** Vs. **State of Punjab and other** in CWP-738 of 2009 (Annexure P-10), this Court observed as under:-

“Even though, reply has not been filed, however, it is agreed to by learned counsel for the parties that the controversy involved in this petition is squarely covered by various judgment,

including the judgment dated 29.09.2008 passed by this Court in CWP No.1079 of 1987 wherein similar circulars were considered by this Court and it has been found that the petitioners on acquiring higher qualification were entitled to additional increments.

In view of the above circumstances, this petition is allowd. The communication dated 27.03.2008 (Annexure P-10) is hereby quashed and the respondents are directed not to re-fix the pay and not to effect any consequential recovery from the petitioners. Since the petitioners have already retired, their pensionary/retiral benefits shall be released on the basis of their pay received by them at the time of retirement. Let the needful be done within a period of four weeks from the date a certified copy of this order is served upon the competent authority.”

Since the main relief for extending the benefit of pay revision has already been settled and in view of the ratio of law laid down in **Manjeet Kaur's** case (supra), the instant petition is allowed. The respondents are directed to grant the benefit of three advance increments to the petitioner from the date of her passing higher qualification of Giani/Prabhakar along with other admissible benefits, if any, within a period of three months from the date of receipt of a certified copy of this order.

29.08.2018
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No