

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.26269 OF 2015
DECIDED ON: APRIL 03, 2018

TRISHLA KUMARI JAIN

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Gaurav Sharma, Advocate,
for the petitioner.

Ms. Sunnit Kaur, AAG, Punjab.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, the petitioner has sought issuance of a writ particularly in the nature of mandamus directing the respondents to grant the pay scale of College Lecturers i.e. pre-revised scale of Rs.700-1600 as is being granted and revised from time to time to the College Lecturers in pursuance to the judgment delivered by the Hon'ble Apex Court in Civil Appeal No.6693-6694 of 2015.

2. Concededly, petitioner and 15 others preferred CWP No.9431 of 1992, captioned as “*Acharya Hari Dutt Sharma and others v. State of Punjab and others*”, which stood dismissed on 28.09.2011. However, some of the petitioners (excluding the present petitioner) preferred Latter Patent Appeal before the Division Bench of this Court but that also stood dismissed on

26.03.2013. Subsequent thereto, aggrieved against the judgment(s) passed by this Court, some of them approached the Hon'ble Supreme Court by way of CA Nos.6691-94 of 2015, which were allowed vide judgment/order dated 01.09.2015. In pursuance of aforesaid judgment(s), petitioner moved representation for extending the same benefit as has been given by the Hon'ble Apex Court to his co-petitioners in CWP No.9431-1992 but it was declined. Subsequent thereto, Gurdas Singh and other-petitioners in Civil Appeal No.6691-92 of 2015, which was decided vide order dated 01.09.2015, initiated contempt proceedings by instituting contempt petition Nos.39-40/2016 in CA Nos.6691-92/2015, which were disposed of vide order dated 23.08.2017 (P-14). It was clarified in the aforesaid order dated 23.08.2017 that whole lot of 16 petitioners will be treated equally and their pensionary benefits will be settled accordingly. This lot of 16 petitioners is the one, who had earlier preferred CWP No. 9431/92, which was though dismissed by this Court vide order dated 28.09.2011. In pursuance of order dated 23.08.2017, the petitioner again approached the respondents for the grant of benefits accrued to her on the basis of judgment dated 01.09.2015 passed by the Hon'ble Apex Court. As the said relief was being delayed by the respondents on one pretext or the other, he approached this Court by way of instant writ petition.

3. During the course of arguments, it has been fairly unfolded by learned State counsel that the case of the petitioner for the grant of pensionary benefits accrued to her on the basis of judgment dated 01.09.2015 and subsequent clarification vide order dated 23.08.2017, is being processed and necessary pecuniary benefits would be released to the petitioner as early as

possible. Thus, one thing is clear that the respondents have intention to implement the orders referred to above passed by the Hon'ble Supreme Court whereby the contempt petition was disposed of.

4. Accordingly, without expressing anything on the merits but keeping in view the fact situation referred to above, instant petition is disposed of with the direction to the respondents to consider and proceed with the implementation of aforesaid order dated 01.09.2015 with further direction to calculate the consequential benefits and disburse the same within a period of 3 months from the date of receipt of certified copy of this order. On failure to do the needful within aforesaid prescribed period, petitioner shall be entitled to interest @ 9% per annum from the date of filing of instant petition till actual payment.

5. However, in case petitioner still feels aggrieved of any action or inaction on the part of the respondents, she shall be at liberty to have recourse to the other remedies available under law including to approach this court.

APRIL 03, 2018
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes/No</i>