

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

(137)

CWP-14315-2019

Date of Decision: May 27, 2019

Amarjit Pal Kaur and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vikas Chatrath, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioners argues that while deciding **CWP No.16095 of 2012 titled as Baldev Singh and others Vs. State of Punjab and others, decided on 16.05.2016**, a Coordinate Bench of this Court held that JBT teachers who are working in Classical & Vernacular pay scale, are also entitled for the grant of proficiency step up. The said decision was given keeping in view the affidavit which was filed by the Government of Punjab on 23.09.2015 wherein it was mentioned that the teachers were granted the proficiency step up after 8/18 years of service.

Learned counsel for the petitioners argues that though the case of the petitioners is squarely covered by the said order as also the affidavit which was submitted by the Government of Punjab, Department of Finance dated 23.09.2015, the benefit of the same has not been extended to the petitioners on the ground that the petitioners did not approach the competent Court of law seeking the said relief. Keeping in view the order passed by the Division Bench of this Court in **Satbir Singh and others vs. State of Haryana and others, 2002 (2) SCT 354 DB**, once the benefit has been extended to the similarly situated employees, other employees should be granted the same benefit without asking them to approach the Court.

From the pleadings, it transpires that only two out of all the petitioners who have filed the present writ petition, have approached the respondents for claiming the said benefit vide representation dated

20.02.2019 (Annexure P-17).

Mandamus can only be issued in case there is a demand of the legal right and in the absence of the demand no mandamus can be issued.

Learned counsel for the petitioners prays that petitioners will file a detailed representation with the respondents raising the claim, as raised in the petition and respondents be directed to decide their representation in a time bound manner.

Notice of motion.

Ms. Deepali Puri Sandhu, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondents.

Learned counsel for the respondents states that in case any representation is filed by the petitioners within a period of two weeks from the receipt of certified copy of the order, an appropriate decision will be taken on the same by passing a speaking order within a period of three months thereafter.

The writ petition stands disposed of in above terms.

It is made clear that at this stage, this Court expresses no opinion on the merits of the case or the entitlement of the petitioners in respect of the relief as sought in the present writ petition or to be claimed in the representation which the petitioners will file with the respondents.

(HARSIMRAN SINGH SETHI)
JUDGE

May 27, 2019
harsha

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No