

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 16906 of 2014
Date of Decision : 18.01.2019

Jagjit Kaur

...Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

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

Ms. Deepali Puri Sandhu, Addl. A.G., Punjab.

Harsimran Singh Sethi, J.(Oral)

The petitioner has approached this Court for the grant of one pre-mature increment on account of her non-participation in the strike on 08.02.1978.

As per the averments made in the present writ petition, the petitioner joined as a JBT Teacher on 12.05.1975 and after serving as such she retired on 30.11.2007. The present writ petition has been filed in the year 2014 with a prayer that similarly situated personnel were granted the benefit of pre-mature increment on account of non-participation of the strike but the petitioner has been denied the said benefit on the ground that the petitioner was on maternity leave on 08.02.1978 and, therefore, as she was already on leave, the said benefit has not been extended to her.

Learned counsel for the petitioner relies upon the judgment of this Court passed in CWP No. 3504 of 1989 and other connected cases

decided on 18.05.2009, wherein this Court has held that even the employees, who were on leave including the maternity leave but did not participate in the said strike, will be entitled for the grant of one pre-mature increment.

Reply has been filed to the claim reiterating that as the petitioner was on maternity leave, she is not entitled for the benefit of pre-mature increment and further the petitioner had approached this Court after a delay and, therefore, she is not entitled for the relief. It has been stated that the relief was to be granted in the year 1978 whereas the petitioner has filed the present writ petition in the year 2014 and there is no ground for justifying the said delay.

Learned counsel for the parties agree that as per the judgment passed in CWP No. 3504 of 1989 dated 18.05.2009 this Court had granted the relief to the employees, who were working on ad-hoc basis or who were on leave including maternity leave on 08.02.1978, on the ground that they did not participate in the said strike though an employee on leave could have participated in the same and, therefore, they are entitled for the grant of pre-mature increment.

Learned counsel for the respondents states that the department will consider the case of the petitioner in view of the judgment of this Court passed in CWP No. 3504 of 1989 dated 18.05.2009 and pass appropriate orders if not already passed on this aspect.

Learned counsel for the petitioner states that he has not received any communication in respect of the declining of the request by the respondents.

In view of the above, the present writ petition is disposed of

with a direction to the respondents to decide the claim of the petitioner for the grant of one pre-mature increment for non-participating in the strike held on 08.02.1978 and the order passed by this Court in CWP No. 3504 of 1989 and other connected cases decided on 18.05.2009 will be kept in mind while considering the case of the petitioner for the grant of said benefit.

Let the order after consideration be passed within a period of two months from the date of receipt of certified copy of this order if not already passed. In case the petitioner is found entitled for the relief, the same shall also be released to her within a period of two months from the date of passing of the said order.

The writ petition is disposed of accordingly.

January 18, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? *Yes/No*
Whether reportable? *Yes/No*