

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-21043-2019

Date of decision: - 09.09.2019

Barjinder Kumar and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: - Mr. M.M. Pandey, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

Learned counsel for the petitioners states that post of Superintendent Grade-II was granted the same pay-scale as granted to the Lecturers working in the Education Department starting from the recommendation of 3rd Pay Commission.

Counsel for the petitioners argues that even in the 5th Pay Commission, same pay-scales were granted to the post of Superintendent Grade-II and the Lectures in the school cadre, but it was only in the year 2011, the grade pay granted to the Lectures was enhanced to ₹5400/-, whereas the Superintendent Grade II were granted grade pay of ₹4800/- and an anomaly was created by the respondents without any valid justification.

The prayer of the petitioners is that once the Superintendent Grade II were granted the pay-scale equivalent to that of Lectures, upon revision of the grade pay, they should have also been granted the grade

pay of ₹5400/- instead of ₹4800/- and a direction be issued to the respondents to grant the said benefit to the Superintendent Grade II w.e.f. 15.12.2011.

Counsel for the petitioners states that for the relief which has been sought in the present writ petition, petitioners have served the respondents with a legal notice dated 05.05.2019 (Annexure P-12), which is still pending consideration with the respondents and the petitioners will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice by passing an appropriate speaking order and keeping in view the settled principle of law.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioners, the respondents are directed to decide the legal notice dated 05.05.2019 (Annexure P-12) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioners are entitled for any monetary benefit, the same shall also be released to them within a period of three months thereafter.

However, it is made clear that in case the petitioners are found entitled, the arrears of salary shall only be granted to them from the day when they submitted the above-said legal notice.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)

JUDGE

September 09, 2019

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Whether reasoned/speaking?

Yes

Whether reportable?

No