

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

(147)

CWP-28704-2019

Date of Decision: October 03, 2019

Jaswant Kaur and another

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sanjeev Kumar Arora, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioners argues that the question of law raised in the present writ petition as to whether the service rendered in the pay scale of C&V teachers prior to 01.01.1986 is to be counted for the grant of proficiency step up or not, came up for consideration before this Court in CWP No.16095 of 2012 titled Baldev Singh and others Vs. State of Punjab and others and other connected cases, which was decided by this Court on 16.05.2016, wherein keeping in view the affidavit filed by the Department of Finance, a direction was issued to the State to grant the benefit of proficiency step up to the classical and vernacular teachers by counting their service prior to 01.01.1986.

Learned counsel for the petitioners further argues that the said order was implemented by the respondents and while implementing the said order, DPI (Elementary Education) Punjab passed an order on 12.07.2017 holding that the service rendered by the classical and vernacular teachers prior to 01.01.1986 will be taken into account for the grant of proficiency step up. Counsel for the petitioners argues that the said judgment has already been implemented qua the petitioners therein, who had approached this Court but the benefit of the same is not being extended to the petitioners herein without any valid justification though they are similarly situated.

The prayer of the petitioners is for issuance of a direction to consider the claim of the petitioners for the grant of proficiency step up by considering the service which the petitioners has rendered prior to 01.01.1986.

Learned counsel for the petitioners states that for the relief which has been claimed in the present writ petition, the petitioners have served the respondents with a legal notice dated 09.04.2019 (Annexure P-9) 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.

Without commenting upon the merits of the case or about the entitlement of the petitioners for the relief which has been claimed by them in the legal notice dated 09.04.2019 (Annexure P-9), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 09.04.2019 (Annexure P-9), within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioners are entitled for any monetary benefits after the decision of the legal notice, the same should also be paid to them within three months thereafter.

In case, the petitioners are found entitled for the relief, the arrears will be restricted only from the date of the serving of legal notice i.e. 09.04.2019.

(HARSIMRAN SINGH SETHI)
JUDGE

October 03, 2019
harsha

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