

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RA-CW-595-2014
in CWP no.4897 of 1993
Date of Decision : 22.02.2019

Surjit Kaur

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr.Suveer Sheokand, Addl. AG, Punjab
Mr. Ranjit Singh, Advocate for the non-applicant

MAHESH GROVER, J.(ORAL)

The writ petition was disposed of on the strength of ratio of decision rendered in **Amarjit Kaur, Tailoring Mistress vs. The State of Punjab and others** 1988 (4) SLR 199. It is stated by the review applicant that this decision as challenged before Hon'ble the Supreme Court resulting in its negation and the following order has been passed:-

“From a perusal of the said notification dated 17.2.1989 it is evident that the Classical and Vernacular Teacher had been placed on a higher scale of pay, namely Rs.570-1080/- whereas the Tailoring Mistress had been placed in the scale of pay of Rs.480-800/-. Similar scale of pay had been granted to the Trained sewing Teachers. However, different scales of pay in categories of Tailoring Mistress and Sewing Teacher had been in senior scale after eight years and 18 years of service respectively.

The validity of Notification dated 17.2.1989

has not been questioned. In that view of the matter, the impugned judgment of the High Court cannot be sustained.

However, having regard to the fact that the respondents herein had been granted the same scale of pay and keeping in view of the fact that she is a handicapped teacher, we are of the opinion that it is not a fit case where this court should exercise its jurisdiction under Article 136 of the Constitution of India.”

This fact is not disputed by the writ petitioner. Evidently this judgment of the Hon'ble Supreme Court was not brought to the notice of this Court. This would thus be a good reason to review order dated 15.7.2013.

Learned counsel for the writ petitioner then contends that the Hon'ble Supreme Court did not disturb the benefits accruing from the judgment of this Court in view of the fact that the writ petitioner therein was physically challenged. It is contended before us that the writ petitioner in the present case is also physically challenged.

If that be so, I am of the considered view that judgment of the Hon'ble Supreme Court shall prevail in the present case as well.

Hence, review application is allowed and in view of this, as a consequence thereof, I dispose of the writ petition in view of aforesaid judgment of the Hon'ble Supreme Court.

(Mahesh Grover)
Judge

22.02.2019

rekha

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No