

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-34844-2019

Date of decision: - 29.11.2019

Nachhattar Kaur and others

....Petitioners

Versus

State of Punjab and another

.....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.

Petitioners have approached this Court in the year 2019 whereas they have retired starting from the year 2001 till 2007 and the benefit which is being claimed is in respect of the letter, which was issued by the Government of Punjab in the year 1957. Nothing has been shown as to why the petitioners have not agitated the claim while they were in service or immediately upon their retirement and the present writ petition is being filed after such a long delay .

Faced with this situation, learned counsel for the petitioners states that for the relief, which has been claimed in the present writ petition, petitioners have served the respondents with a legal notice dated 03.06.2019 (Annexure P-17), 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 legal notice dated 03.06.2019 (Annexure P-17) 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 03.06.2019 (Annexure P-17) the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 03.06.2019 (Annexure P-17) within a period of three months from the receipt of certified copy of this order.

It is made clear that in case the petitioners are found entitled for the relief, as claimed in the present writ petition, they will be granted the arrears from the date of filing of the legal notice.

Present writ petition stands disposed of.

November 29, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No