

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.36264 of 2019

DATE OF DECISION:18.12.2019

Gurmeet Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vikram Bali, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Learned counsel for the petitioner states that though the petitioner continued working on the post of Teacher throughout her career and retired on 30.11.2006 but no benefit of ACP was ever granted to her during her service career, which action of the respondents is arbitrary. Further prayer of the petitioner is that the petitioner is entitled for the benefit of judgment rendered by this Court in CWP No.7855 of 2014, decided on 17.12.2018, titled as **Jinder Singh and others Vs. State of Punjab and others**, for exercising of her option afresh for the grant of revised pay scale.

Counsel for the petitioner is unable to give any reason as to why the petitioner has waited so long to claim the benefit of ACP. The petitioner retired 13 years ago and this writ petition has been filed at this stage and that too, without explaining the delay.

Faced with this situation, counsel for the petitioner states

that in case the petitioner is granted the benefit of ACP, she will forego the arrears till the filing of the present writ petition.

Counsel for the petitioner further states that for the relief which has been claimed in the present writ petition, the petitioner has served the respondents with a legal notice dated 01.09.2019 (Annexure P-3), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice dated 01.09.2019 (Annexure P-3) by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by her in the legal notice dated 01.09.2019 (Annexure P-3), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 01.09.2019 (Annexure P-3) within a period of three months from the receipt of certified copy of this order.

However, it is made clear that in case the petitioner is found entitled for any relief, she will not be granted the arrears till the filing of the present writ petition.

December 18, 2019

jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable : Yes / No