

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6564 of 2020

Date of decision: 12.03.2020

Amarwanti

.... Petitioner

versus

State of Punjab and others

... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Nitesh Singla, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J.

Learned counsel for the petitioner argues that the late husband of the petitioner, who was working with the respondent-Education Department, is entitled for the benefit of fixation of his pay in the master scale of Rs.620-1200 with the initial start of Rs.660/- w.e.f 01.01.1978.

Learned counsel for the petitioner has placed reliance upon order passed by this Court in CWP No.3931 of 1992 titled as **Baldev Raj Mittal and others vs. State of Punjab and others** to contend that the similarly situated employees have already been granted the said benefit, therefore, the late husband of the petitioner is also entitled for the grant of said benefit alongwith consequential benefit of re-fixation of pay and pensionary benefits.

Learned counsel for the petitioner further argues that the similarly

situated employee as the late husband of the petitioner, namely, Sh. Raghu Nath approached this Court by filing CWP No.32946 of 2019 titled as **Raghu Nath vs. State of Punjab and another**, which was disposed of by this Court on 15.11.2019 giving directions to the respondents to consider the claim of said Sh. Raghu Nath in terms of order passed by this Court in **Baldev Raj Mittal's case (supra)** and the respondents have allowed the claim of Sh. Raghu Nath vide order dated 11.02.2020 (Annexure P/10) granting him the benefit as prayed by Sh. Raghu Nath, which is being claimed by the petitioner in the present writ petition.

Prayer of the petitioner is for issuance of a direction to the respondents to grant the said benefit to the petitioner in respect of the service rendered by her late husband as extended to the similarly situated employees.

Learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, the petitioner has served a legal notice dated 11.01.2020 (Annexure P/8) with the respondents, which is still pending consideration with them and she will be satisfied, at this stage, in case, a time bound direction is issued to respondent No.2 to decide the said legal notice.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, respondent No.2 is directed to decide the legal notice dated 11.01.2020 (Annexure P/8) by passing a speaking order within a period of three months from the date of receipt of certified copy of this order. In case after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be

released to her within a period of next three months.

Present writ petition stands disposed of.

12.03.2020	(HARSIMRAN SINGH SETHI)
<i>aarti</i>	JUDGE
1. Whether speaking/non-speaking?	Yes/No
2. Whether reportable?	Yes/No