

CWP-13798-2020 (O&M)

Through Video Conference

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

**CWP-13798-2020 (O&M).
Decided on: September 08, 2020.**

Sushil Batla

.. Petitioner

VERSUS

State of Haryana and another

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.G.S.Bajwa, Advocate, with
 Ms.Ishpreet Kaur Bajwa, Advocate,
 for the petitioner.**

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Articles 226/227 of the Constitution of India, with a prayer for the grant of selection grade of 7500-12000 w.e.f. 1.1.1996 instead of 1.8.2000 and consequently enhancement of pensionary benefits to the petitioner with effect from the date of entitlement after the death of husband of the petitioner.

Learned counsel for the petitioner has argued that in the present case, the husband of the petitioner was a regular employee and was

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working as a Lecturer in Economics. The husband of the petitioner has died on 31.10.2009 before his due date of retirement as he was to retire on 31.11.2011. He submits that number of cases were filed in this Court with regard to the anomaly that whether the benefits have to be given w.e.f. 1.8.2020 or w.e.f. 1.1.1996. He has referred to Annexure P3, vide which it was decided that the revised pay to Headmasters/Headmistresses would be given w.e.f. 1.1.1996. Thereafter, LPA was filed which was also dismissed vide Annexure P4. He has further referred to Annexure P8, whereby in similar case, directions have been issued to the respondents in this regard.

Learned counsel for the petitioner submits that he would be satisfied in case the representation dated 17.1.2020 (Annexure P-10) submitted to the Director, Secondary Education, Haryana, Siksha Sadan, Sector 5, Panchkula, is decided by considering the aforesaid judgments Annexures P-3, P-4 and P-8.

Notice of motion.

Mr.Naveen Sheoran, DAG, Haryana, accepts notice on behalf of the respondents. He states that he has no objection in case a direction is issued to decide the representation dated 17.1.2020 (Annexure P-10) in accordance with law.

After hearing the learned counsel for the petitioner, I am of the considered view that instead of seeking reply from the respondents, it would be just and appropriate to direct respondent No.2 to decide the representation dated 17.1.2020 (Annexure P-10) by taking into consideration Annexures P-3, P-4 and P-8. Accordingly, the present writ

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petition is disposed of with a direction to the Director, Secondary Education, Haryana, - respondent No.2, to decide the representation dated 17.1.2020 (Annexue P-10), in accordance with law by passing a speaking order within a period of two months from today. A copy of the order shall be supplied to petitioner by registered post. It is needless to say that in case the respondent comes to the conclusion that the petitioner is entitled for the grant of benefit w.e.f. 1.1.1996 in accordance with the judgments Annexures P-3, P-4 and P-8, then the admissible benefits shall be released to the petitioner within a period of three months thereafter along with interest @ 6% per annum.

September 08, 2020.
raj arora

JASGURPREET SINGH PURI)
JUDGE

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