

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

CWP No.18315 of 2015

Date of Decision : 13.01.2020

Punjab and Chandigarh College
Teachers Union (PCCTU)

....Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

...

Present: Dr.B.M.Singh, Advocate
for the petitioner.

Mr.T.P.S.Chawla, DAG, Punjab.

Mr.Harshit Jain, Advocate for
Mr.Rajdeep Singh Cheema, Advocate
for respondent No.7.

...

TEJINDER SINGH DHINDSA, J.(ORAL)

Instant writ petition is at the hands of Punjab and
Chandigarh College Teachers Union (PCCTU) through its President.

It has been averred that the petitioner-Union is an
association of teachers working in non-government colleges in the
State of Punjab and Union Territory, Chandigarh but which are
receiving aid from the State Government.

A mandamus is sought directing the respondents to release
to the eligible members of the petitioner-Union the revised
allowances in the nature of house rent allowance and medical
allowance as admissible to the Punjab Government employees.

In support of the prayer made in the petition a notification

dated 02.09.2009 issued by the Government of Punjab, Department of Higher Education (Annexure P-2) is relied upon. As per Clause 2 of the notification, the revised pay scales are applicable to the teachers and equivalent cadres of the Universities including Panjab University, Chandigarh, Government Colleges, Government Aided Private Colleges and the Directorate of Colleges. Further more Clause 4 states that allowances admissible to Punjab Government employees as applicable to the personnel covered under this notification will be payable at rates notified by Punjab Government from time to time and with effect from the dates applicable to other Punjab Government employees.

Counsel has then invited attention of this Court to communication dated 17.11.2014 (Annexure P-3) issued by the office of the Director, Public Instruction (Colleges), Punjab and addressed to the Principals of all the Grant-in-Aid Colleges in the State of Punjab and which would show that medical allowance as also house rent allowance is being paid to the teachers working in non-government aided colleges in the State of Punjab but at a reduced rate.

Precise argument raised by counsel is that release of medical allowance as also house rent allowance is an accrued right to the teachers and members of the petitioner-Union and by virtue of notification dated 02.09.2009 (Annexure P-2), such teachers are even entitled to the release of revised allowance as admissible and as at par with Punjab Government teachers.

It may be noticed that way back on 05.12.2016 statement

of learned State counsel was noted that the matter is pending before the Finance Department. In spite of more than three years having elapsed, no final decision has been taken and neither has written statement been filed.

Today again State counsel seeks time for filing reply.

In the considered view of this Court, the matter cannot be kept open ended and pending for all times to come. The State Government is obligated to take a final view in the matter against the backdrop of the notification dated 02.09.2009 (Annexure P-2).

Accordingly, instant writ petition is disposed of. Liberty is granted to the petitioner to approach respondent No.3-competent authority to raise the claim as regards revised house rent allowance and medical allowance. In the eventuality of any such claim petition/representation being filed, the concerned authority would examine the claim and would take a final decision thereupon expeditiously and in any case within two months from the date of receipt of a certified copy of this order.

It is observed that in case the claim is found to be admissible, the necessary and consequent financial benefits be released to the teachers concerned without any further delay. However, if the concerned authority-respondent No.3 does not admit the claim of the teachers for revised house rent allowance and medical allowance, a speaking order in such eventuality would be passed and conveyed to the petitioner-Union.

Disposed of.

13.01.2020
dss

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No