

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.30205 of 2019

DATE OF DECISION:28.01.2020

Gurinder Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Arjinder Singh Sidhu, Advocate for
Mr. N.S. Dandiwal, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance which is being raised is that the service which the petitioner rendered as Classical and Vernacular Teacher prior to 01.01.1986 has not been taken into consideration for the grant of proficiency step up keeping in view the memo dated 23.11.2011.

Counsel for the petitioner argues that the said memo dated 23.11.2011 was challenged in CWP No.16095 of 2012 titled as **Baldev Singh and others Vs. State of Punjab and others and other connected cases** wherein the Government of Punjab had filed a short affidavit on 23.09.2015, wherein an undertaking was given that the service rendered by Classical and Vernacular Teachers prior to 01.01.1986 will be taken into consideration for the grant of proficiency step up and those writ petitions, raising grievance in that regard, were disposed of as per the undertaking.

Counsel for the petitioner argues that though the petitioner is similarly situated as the petitioner in CWP No.16095 of

2012 decided on 16.05.2016 but the benefit of the said decision has not been rendered to her without any valid justification though as per the settled principles of law settled by this Court, once a question of law has been settled that the benefit has been given to the similarly situated employees, the same benefit should be extended to all the employees without forcing them to approach this Court.

The prayer of the petitioner is for issuance of a direction to the respondents to grant the petitioner the benefit as extended to the petitioners in **Baldev Singh's case(supra)**.

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 29.09.2018 (Annexure P-9), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case, a time bound direction is given to respondent No.2 to decide the legal notice dated 29.09.2018 (Annexure P-9).

Without expressing any opinion on the merits of the case and entitlement of the petitioner in respect of the claim made in the legal notice dated 29.09.2018, respondent No.2 is directed to decide the legal notice dated 29.09.2018 (Annexure P-9) within a period of three months from the date of receipt of a certified copy of this order.

Present writ petition stands disposed of.

January 28, 2020
jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable : Yes / No