

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

CWP-13575-2021(O&M)

Date of decision : 28.07.2021

Kamla Devi and others

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Vikas Chatrath, Advocate for the petitioners.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

Learned counsel for the petitioners contends that the petitioners are entitled for higher pay scale in view of their higher educational qualifications as has been held by this Court in **CWP No.3931 of 1992** titled **“Baldev Raj Mittal & Ors. V/s State of Punjab & Ors.”** decided on 15.04.2009 (Annexure P-7). Learned counsel for the petitioners would further contend that the petitioners have since retired. A legal notice dated 03.11.2018 (Annexure P-8) was sent to the respondents calling upon them to grant the petitioners the benefit. Thereafter the Assistant Director (Establishment-2) wrote a letter dated 05.03.2019 (Annexure P-9) to the District Education Officer (E.E), Barnala to respond to the legal notice within a period of 10 days. However, till date, no action has been taken on the same. Learned counsel for the petitioners relies upon order dated

29.05.2019 passed by this Court in CWP No.14761 of 2019 titled “Kaur Chand & Ors. V/s State of Punjab & Ors.” (Annexure P-10) to contend that in a similar case directions were issued by this Court to take a decision on the legal notice sent by the petitioners therein and, post the passing of the order dated 29.05.2019, the petitioners therein were granted the benefit vide office order dated 09.08.2019 (Annexure P-11).

Learned counsel for the petitioners further restricts his prayer in the present petition and states that he would be satisfied if a direction is issued to the respondents to take a decision in a time-bound manner on the legal notice dated 03.11.2018 (Annexure P-8).

Notice of motion.

On the asking of the Court, Ms. Maloo Chahal, DAG Punjab accepts notice on behalf of the respondents and states that she has no objection if the present writ petition is disposed off with a direction to the respondents to decide the legal notice dated 03.11.2018 (Annexure P-8) sent by the petitioners.

Heard.

In view of the limited prayer made by learned counsel for the petitioners and without commenting upon the merits of the case, the present writ petition is disposed off with a direction to the respondents to take a decision on the legal notice dated 03.11.2018 (Annexure P-8) by passing a speaking order expeditiously, in accordance with law, and in any case within a period of three months from the date of receipt of a certified copy of this order. In case the petitioners are found entitled to any monetary benefits, the same shall be released to them within a period of three months thereafter.

It is, however, made clear that in case the petitioners are found entitled for the relief as claimed by them, the arrears will be restricted only upto the period of three years and two months prior to the date of filing of the present writ petition.

Disposed off accordingly.

28.07.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO