

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.5905 of 2020

Date of Decision: 31.03.2022

The District Education Officer and others.

....Petitioners

VERSUS

Rajinder Kaur and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE G. S. SANDHAWALIA
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Suman Jain, Advocate and
Mr. Abhishek Sanghi, Advocate for the petitioners.

G.S. SANDHAWALIA, J. (Oral)

Challenge in the present writ petition is to the order dated 11.04.2019 (Annexure P-1), whereby the learned Tribunal has held that action of the respondents in withdrawing the benefit already granted to the applicant (now respondent No.1) is illegal and arbitrary. Resultantly, directions were given to restore the benefits to the applicant in the same terms as in the case of Smt. Jasjeet Kaur Nijhawan.

In fact, the benefit, which had earlier been granted on acquiring the higher qualification and for entitlement of higher pay scale was adjudicated by the Tribunal inter se the parties in an earlier litigation i.e. OA-274/CH/2002 on 08.10.2002, in which respondent No.1 was applicant No.2. In pursuance of the said order, necessary benefits were also granted on 17.03.2003 by the petitioners-Administration. However, after respondent No.1 retired on 30.06.2008, an order was passed on 14.05.2009, withdrawing the JST scale. In such circumstances, the Tribunal has held

that once the litigation was finalised inter se the parties, withdrawal order was arbitrary and cannot be justified on account of subsequent instructions/notification.

Counsel for the petitioner has also candidly submitted that the said order has been implemented and all the benefits, which had been granted earlier, have been restored to respondent No.1.

In such circumstances, we are of the considered opinion that the order of the Tribunal does not suffer from any illegality or irregularity, which warrants interference in exercise of extra ordinary writ jurisdiction of this Court.

Accordingly, the present writ petition is dismissed in limine.

(G. S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

March 31, 2022
Sachin M.

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