

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CWP No. 17610 of 2014 (O&M)

Date of decision: 06.02.2023

Shabbir Hassan and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Jagmohan Singh Bhatti, Advocate for the petitioners.

Mr. Charanpreet Singh, AAG, Punjab.

Mr. Akshay Jain, Advocate for respondents No. 2 and 3.

PANKAJ JAIN, J. (ORAL)

By way of present writ petition, the petitioners pray for the writ in the nature of Certiorari quashing the impugned order dated 10.12.2013 (Annexure P-14) whereby the claim of the petitioners for grant of corresponding revised pay-scales w.e.f. 01.01.1996 has been denied.

Petitioners are all untrained teachers working with respondent-Punjab Waqf Board. Vide order dated 13.03.1987, approval was accorded by the Board to grant regular grades to them. Operative part thereof reads as under:

“ORDER

Subject: Sanction of grant of Grade-II unapproved/un trained Graduate/Under Graduate/Matriculate Teachers.

On the request / representation that the worthy Administrator has granted his approval to grant regular grades to the unapproved/un trained Graduate teachers of Islamia High School Malerkotla.

Unapproved/un trained Graduate teachers

400-10-450/15-525/15-600

*Unapproved/un trained Graduate Under Graduate/Matriculate Teachers.
300-5-525-350/10/450/-*

Medical allowance @ Rs. 10/- p.m. and dearness allowance (Additional) @ which shall be admissible to the other employees of the Board who are getting grade under the Punjab Wakf Board.

*Sd/- Secretary
Punjab Wakf Board
Ambala Cantt.”*

The same was revised as a corresponding new pay-scales was sanctioned vide Annexure P-3, however, the same was not granted. The petitioners claimed the corresponding revised pay-scales which has been denied vide impugned order passed by the Chairman of the Board. In the written statement, the stand taken by the respondents is:

“ That the contents of para No. 17 of the writ petition are admitted, being matter of record. However, it is humbly submitted that Board is the competent authority to recommend and propose for any changes in the service conditions of the employee and it is a matter of record that no such order was passed by the Board.”

In view of the aforesaid admitted position, the Chairman was not competent to take decision with respect to change in the service conditions of the petitioners. Impugned order dated 10.12.2013 (Annexure P-14) is hereby ordered to be quashed and respondent No. 2-Punjab Waqf Board is directed to decide the claim of the petitioners qua corresponding revised pay-scales within a period of 8 weeks from the date of receipt of certified copy of the order. In case the petitioners are held entitled for revised pay-scales as prayed for, the same shall be granted within 4 weeks thereafter. However in case respondent-Board thinks that the claims of the petitioners deserve to be rejected, the same will be adjudicated by passing the speaking order in accordance with law after giving opportunity of hearing to the petitioners within the time period stipulated hereinabove. Petitioners will be at liberty to file a supplementary representation within a period of 15 days from today.

Disposed of accordingly.

06.02.2023

Rajeev (rvs)

**(PANKAJ JAIN)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
No