

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

CWP-2485-2013 (O&M)

Date of decision: 24.02.2023

Swinder Kaur

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. R.K.Arora, Advocate for the petitioner

Mr. Navdeep Chhabra, Sr. DAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. After hearing the learned counsel representing the parties at some length, this Court is of the considered view that the writ petition can conveniently be disposed of by directing the Director Public Instructions (Secondary Education), Punjab, to consider the petitioner's request for stepping up her pay at par with Smt. Gian Kaur. It may be noticed that previously the petitioner filed a writ petition for stepping up of her pay equivalent to the various other employees. The aforesaid writ petition was allowed on 01.03.1995 and in compliance thereof, the pay of the petitioner was stepped up. Thereafter, the petitioner submitted another representation before the competent authority, claiming stepping up of her pay with that of Smt. Gian Kaur as she was her junior. The Principal of the School passed the order, however, he was not competent. Subsequently, the order passed by the Principal was withdrawn.

2. Learned counsel representing the petitioner submits that the competent authority should atleast consider the petitioner's claim.

3. On the other hand, the learned State counsel submits that

Smt. Gian Kaur was wrongly granted the higher pay, which was not based on rules and the instructions that govern the pay. Hence, the petitioner cannot pray for perpetuating illegality. However, he submits that he has no objection if the Director, Public Instructions (Secondary Education), Punjab, is directed to re-consider the matter, by passing a speaking order, in accordance with law.

4. Keeping in view the aforesaid facts, the present petition is disposed of with a direction to the Director, Public Instructions (Secondary Education), Punjab, to pass speaking order, in accordance with law, within a period of 2 months from today, after granting opportunity of hearing to the petitioner.

5. All the pending miscellaneous applications, if any, are also disposed of.

24.02.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE