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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6744-2016 (O&M)

Date of Decision: 19.09.2023

BALWANT KAUR

.....Petitioner

V/s.

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA.

Present Mr. Kapil Kakkar, Advocate,
for the petitioner.

Ms. Shivani Sharma, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J (Oral)

1. The petitioner by way of this Writ Petition prays for issuance of a Writ in the nature of *Mandamus* directing the respondents to grant the petitioner benefit of one premature increment on account of her non-participation in the mass strike held on 08.02.1978 as she was on maternity leave during the said period.

2. Learned counsel for the petitioner submits that the issue raised in this Writ Petition stands already adjudicated by this Court in the case of **Kusum Malhotra** Vs. **State of Punjab and Others**; CWP-24210-2018 decided on 02.08.2023 following earlier judgment passed by this Court in CWP-3504-1989 titled as **Ramesh Chand and Others** versus **State of Punjab and Others** decided on 18.05.2009.

3. Learned counsel for the petitioner submits that the case of the petitioner is on similar footing as the petitioner was working as JBT Teacher from 01.06.1972 and on the day when there was a mass strike i.e.

on 08.02.1978, she was on maternity leave and therefore, there was no occasion of her participating in the said mass strike. She was on maternity leave from 28.11.1977 upto 26.02.1978. The petitioner, thus, was entitled to the benefit of one premature increment as the same was granted to other employees who had worked on 08.02.1978, when there was a call for a mass strike. Learned counsel for the petitioner has also submitted that similar facts were available in the case of **Ramesh Chand** (Supra).

4. I have considered the submissions of the learned counsel for the parties.

5. The order passed by this Court in the case of **Ramesh Chand** (Supra) in CWP-3504-1989 decided on 18.05.2009 was affirmed by the apex Court in SLP No.7318 of 2015 decided on 27.04.2015. This Court, having noticed the said judgment as well as the other consequential judgments passed in the case of **Hansraj and Another** Vs. **State of Punjab and Others**; CWP-20520-2018, decided on 18.08.2018 and **Amarjit Kaur and Others** Vs. **State of Punjab and Others** , found that no distinction can be drawn with respect to the *ad hoc* employees and the regular employees.

6. In the present case, the petitioner was a regular employee and she was, therefore, entitled to be given the said premature increment. Accordingly, her pension and retiral benefits will have to be revised and she would be given the benefit of one premature increment for not participating in the mass strike similar in terms of the order passed in the case of Ramesh Chand (Supra) with all consequential benefits, holding that the said judgment passed is a judgment in *rem* and would apply to all.

7. The compliance of this order be made within the period of three months from the date of issue of certified copy of this order.
8. The Writ Petition stands allowed in the aforesaid terms.
9. Pending application(s), if any, shall stand(s) disposed of.

September 19, 2023
Ess Kay

[SANJEEV PRAKASH SHARMA]
JUDGE

Whether speaking / reasoned : *Yes/No.*

Whether Reportable : *Yes/No*