

2024:PHHC:017842

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-2808-2024 (O&M)

Date of decision: 08.02.2024

Sohan Lal Prashar and others

..Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. GP Vashisht, Advocate for the petitioners.

AMAN CHAUDHARY J.

1. The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to grant the petitioners benefit of previous service rendered by them in the Govt. Aided School towards fixation of their pay on their joining in the Govt. School.

2. Learned counsel submits that the benefit of previous service rendered by the petitioners in Government aided schools towards fixation of their pay upon having joined the Government schools with consequential benefits was granted to similarly situated in terms of the judgment of this Court in **Sunil Kumar Sharma and Others vs. State of Punjab** in CWP-4629-2015, whereby a batch of petitions were allowed on 19.02.2018, Annexure P-3 against which the LPA and SLP, both stand dismissed and it was implemented vide order dated 06.12.2023. In wake of the above, a legal notice dated 15.01.2024 (Annexure P-6) has been served upon the respondents, which has yet not evoked any response. He thus, at this stage, on instructions, submits that the petitioner is sanguine of it being considered in a positive manner, in case, a direction is given to the respondent Nos.2 and 3 to decide the same in a time bound manner by granting him an opportunity of

hearing.

- 3. Notice of motion.
- 4. At the asking of the Court, Mr. Paramjit Batta, Addl. AG, Punjab accepts notice on behalf of the respondent-State and has no objection to the limited prayer made.
- 5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondent Nos.2 and 3 to consider the legal notice dated 15.01.2024, Annexure P-6 and decide the same, taking note of the judgment and the order dated 06.12.2023, referred to, by the petitioner, within a period of 8 weeks and if found entitled, necessary benefit be granted forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating the petitioner therewith.

08.02.2024

ashok

(AMAN CHAUDHARY)
JUDGE

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