

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

124

CWP-4231-2024 (O&M)
Date of decision: 04.03.2024

Bhupesh

....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Shashi Kumar Rattan, Advocate for the petitioner

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 certiorari quashing the impugned letter dated 29.11.2011 by which benefit regarding pay protection was not granted to the petitioner on that relevant time.

2. Learned counsel would contend that the petitioner, who was appointed on 03.05.1984 and joined Government School on 11.12.2001, is seeking pay protection under Rule 4.4 (C)(1) of the Punjab Civil Services Rules. His claim though was rejected on 29.11.2011, however, subsequently similarly situated Sunil Kumar had approached this Court by way of filing CWP-4629-2015, whereby a batch of petitions were allowed on 19.02.2018, against which the LPA and SLP, both stand dismissed and it was implemented vide order dated 06.12.2023. In this regard, a representation dated 12.12.2023, Annexure P-12, has been submitted by him, whereafter, a legal notice dated 21.12.2023, Annexure P-13 was also served upon respondents. A communication was also exchanged by the Office of Secretary, Education and Director, School Education (SC) on 02.01.2024, Annexure P-14. He thus, at this stage, on instructions, submits that the

petitioner restricts his prayer, grant of arrears of 38 months prior to the filing of the present petition and is sanguine of it being considered in a positive manner, in case, a direction is given to the respondents 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. Charanpreet Singh, AAG 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 respondents to decide the representation along with legal notice dated 12.12.2023 and 21.12.2023, Annexure P-12 and P-13 within a period of 6 months and if found entitled, necessary benefits be granted to the petitioner forthwith, granting arrears to 38 months prior to filing of the present petition. However, in the eventuality of the relief being denied, a speaking order be passed, after associating him therewith.

(AMAN CHAUDHARY)
JUDGE

04.03.2024
M.Kamra

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