

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

126

CWP-4527-2024
Date of decision: 27.02.2024

ASHWANI KUMAR AND OTHERS ...Petitioners

Versus

STATE OF PUNJAB AND OTHERS ...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. R.K. Arora, 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 would submit 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-4629-2012, whereby a batch of petitions were allowed on 19.02.2018, Annexure P-4 against which the LPA and SLP, both stand dismissed and it was implemented vide order dated 06.02.2024. In this regard, a legal notice dated 04.01.2024 (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 petitioners are 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 them an opportunity of hearing.

3. Notice of motion.

4. At the asking of the Court, Mr. Manipal Singh Atwal, DAG, 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 No.2 and 3 to consider the legal notice dated 04.01.2024, Annexure P-6 and decide the same, taking note of the judgment and the order dated 06.02.2024, referred to, by the petitioners, within a period of 4 months and if found entitled, necessary benefits be granted forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating the petitioners.

(AMAN CHAUDHARY)
JUDGE

27.02.2024
pry

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No