

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

134

CWP-5049-2024
Date of decision: 04.03.2024

Mandeep Kaur
....Petitioner
Versus

State of Punjab and others
....Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Nitesh Singal, Advocate for the petitioner.

AMAN CHAUDHARY. J.

1. The prayer in the present Civil Writ Petition filed under Articles 226/227 of the Constitution of India, is to issue a writ in the nature of mandamus, for directing respondents to grant notional date of joining w.e.f. 08.12.2006 and further to refix the pay/seniority of the petitioner.
2. Learned counsel would submit that the petitioner had been appointed as Hindi Mistress on regular basis against the sanctioned post w.e.f. 07.04.2008, pursuant to the advertisement No.2/2006, but could not be prior thereto, due to the reasons of Model Code of Conduct implemented in the year 2007. However, general instructions were issued on 18.01.2016 by the Department, Annexure P-4, as per which, the benefits of notional pay fixation would be given to all such Masters/Mistresses whose appointments to various advertisements issued in the year 2006, were delayed. But the same has not been implemented qua the petitioner with regard to the said claim. In this regard, a legal notice dated 27.11.2023, Annexure P-5, 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 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. A.S. Bains, 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 the respondents to consider the legal notice dated 27.11.2023, Annexure P-5 and decide the same taking note of the pleas raised, within a period of six months and if found entitled, necessary benefit be granted to her forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating the petitioner therewith.

(AMAN CHAUDHARY)
JUDGE

04.03.2024
Hemant

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