



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CWP-20584-2018 (O&M)
Date of decision: 20.05.2024

Radhey Sham and others

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Brijesh Khosla, Advocate for the petitioners.

Mr. Swapan Shorey, DAG, Punjab.

AMAN CHAUDHARY. J (Oral)

1. The prayer in the present petition is for directing the respondents to release the arrears i.e. Dearness Allowance/Dearness Relief of the petitioners.
2. Learned counsel would submit that the petitioners, who were working as ETT teachers in the Department of Rural Development and Panchayat i.e. Zila Parishad, have not been granted the arrears of Dearness Allowance/Dearness Relief in terms of the Notification dated 27.06.2016, Annexure P-2, after they were merged with the Education Department vide Notification dated 19.09.2014, Annexure P-1. Reference is made to the reply dated 06.10.2023 filed by respondent Nos. 1, 5, 7 and 13, the relevant paras whereof read thus:-

“3. That it is respectfully submitted that as per the notification dated 19.09.2014, it is categorically mentioned in the para no.1 of the notification that “for the purpose of pay, pension and leaves etc. will be counted from the date of appointment of ETT teachers from the date of recruitment/appointment”.

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5. That it is further submitted that the service record alongwith



the record-pertaining to pending Dearness allowances of merging teachers/petitioners, has already sent to the Punjab School Education Department.”

3. Reference is also made to Annexure R-2/T dated 29.05.2019 appended with the reply by way of affidavit dated 18.07.2019 of Block Development and Panchayat Officer, filed on behalf of respondent Nos.5, 6 and 12, which reads thus:

“In regard with above subject, it has come in the notice of department that the teachers who have come from Zila Prishad Department into Education Department in the year 2014, their some dues are still pending towards the Zila Prishad, because of reason that the service record of all those teachers is now lying with Education Department, therefore, this is impossible for Zila Prishad to make this payment, therefore, it is directed to you to contact with the concerned B.D.P.O. and Certificates along with details of these teachers may be obtained to the effect that how much dues of respective teachers in which item are pending and the payment of which has not been made by Zila Prishad, so that the said payment may be made by Education Department. Collect these certificates and sent to Head Office, so that further proceedings may be initiated.”

4. Further, it would be apposite to refer to the reply dated 25.02.2019 filed by respondent No.2-Principal Secretary Finance, relevant para whereof reads thus:

“2. That it is respectfully submitted that the answering Respondent No.2 is a mediator/facilitator to transfer the funds to the respective petitioner as and when the same were received from the other respondent where the petitioners worked before and after the year of 2014. It is respectfully submitted that as per record of answering respondent office, there is no pending Bill Qua the Petitioners in the office & in case the same is received from office of other respondents the same will be cleared as per rules as the earliest.”

5. He, on instructions, prays that the petitioners would be satisfied, in case a time bound direction is given to the respondents to consider their claim, keeping in view the aforesaid.

6. Learned State counsel has no objection to the limited prayer made.



7. In view of the above and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to the respondents to consider and decide the claim of the petitioners, taking note of the afore-referred, within a period of six months, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner. Upon doing so, after notice and hearing offered to them and if found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to their interest, the same shall contain reasons and petitioners shall be free to seek legal redress thereupon.

(AMAN CHAUDHARY)
JUDGE

20.05.2024
Hemant

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