

2024:PHHC:019139
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

221

CWP-21223-2020

Date of Decision:09.02.2024.

SOM LAL AND OTHERS

....PETITIONERS

VS

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Nitesh Singla, Advocate for the petitioners.

Mr. Charanpreet Singh, AAG, Punjab.

AMAN CHAUDHARY J. (ORAL)

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 decide the representation/legal notice dated 16.03.2020.
2. Learned counsel for respondent No.3 submits that there is no need to file a separate reply and the reply filed by respondent Nos. 1 and 2 may also be read on his behalf.
3. Learned counsel would contend that the petitioners, who were appointed as JBT Teachers between the years 1974 and 1978, are seeking higher scale of pay, in terms of the circular dated 23.07.1957 (Annexure P-1), on account of having acquired higher qualification of BA, prior to 19.02.1979. The issue already stands decided by this Court in CWP-3931-1992 titled as **Baldev Raj Mittal and others Vs. State of Punjab** and others, decided on 15.04.2009, against which, LPA and SLP (C) No. 1868 of 2015 filed came to be dismissed vide order dated 22.05.2014 and 06.02.2015, respectively. He refers to speaking orders dated 11.08.2020

and 31.08.2022, passed pursuant to the direction by this Court to decide legal notice, in favour of similarly situated employees, who had also retired and were granted the benefit, as sought by the petitioners. In wake of the above, a legal notice dated 16.03.2020 (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 an opportunity of hearing.

4. Notice of motion.
5. 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.
6. 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 consider the legal notice dated 16.03.2020, Annexure P-6 and decide the same, taking note of the speaking orders referred to, by the petitioner, within a period of 3 months 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 petitioners therewith.

(AMAN CHAUDHARY)
JUDGE

09.02.2024
pry

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