



CWP-12720-2006

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

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CWP-12720-2006 (O & M)

Date of decision: 03.05.2025

Harvinder Kaur and another

....Petitioners

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Shreesh Kakkar, Advocate for
Mr. Kapil Kakkar, Advocate,
for the petitioners.

Ms. Shruti, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the Punjab Pay Scale of Teachers Act, 2004, memo/letter dated 29.12.2004 and 07.03.2005.

2. Reliance in the index of the petition was placed on the pendency of CWP-8285-2005, **Amarjit Kaur and others vs. State of Punjab and others**, which now stands decided on 30.10.2012, based on the judgment in CWP-14634-2009, **Beant Singh and others vs. State of Punjab and others**, decided on 30.08.2010, relevant para of **Beant Singh** (supra) reads thus:-

“14. As a sequel to the aforesaid discussion, we are of the considered view that the Act is intravires and it cannot be declared as ultra vires of the Constitution. However, no recovery could be made from the petitioners as payment of benefits in pursuance to the policy circular dated 23.7.1957 and 19.2.1979, was made to them without



any misrepresentation on their part. For the aforesaid view, we place reliance on a Full Bench judgment of this Court rendered in the case of Budh Ram Garg v. State of Haryana, 2009 (3) PLR 1511. Accordingly, the writ petitions are allowed to the aforesaid extent leaving the official respondents to re-fix the pay of the petitioners without effecting any recovery.”

3. Learned counsel for the petitioners prays for disposal of the petition in terms of the aforesaid, which learned State counsel despite best efforts, was unable to resist by distinguishing the same or citing any contrary law.

4. The present petition is disposed of accordingly.

03.05.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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