

2025:PHHC:065895



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

1202

CWP-8195-2009 (O & M)
Date of decision: 16.05.2025

Mohinder Singh Diwana

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Kapil Kakkar, Advocate,
for the petitioner.

Mr. Satnam Preet Singh Chauhan, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Learned counsel submits that claim of the petitioner for grant of higher scale, based on she having obtained higher education on 20.08.1969 during the course of employment, in terms of the instructions dated 23.07.1957, it being before the cut-off of date i.e. 19.02.1979, has been wrongly rejected, vide Annexure P-15, though in para 8 thereof, the claim was admitted stating that the teachers who were appointed prior to 19.02.1979 and had also improved their qualifications prior thereto, but denied as he was granted two/three increments. Reference is made to the judgments in **Chaman Lal vs. State of Haryana**, AIR 1987 SC 1621, **Baij Nath and others vs. State of Punjab and others**, Civil Appeal No.4544 of 1996, decided on 19.03.1996 and **Bhed Parkash vs. State of Punjab and others**, CWP-7062-1994, decided on 14.11.1994. He

prays his case be re-considered taking into consideration the aforesaid in a time bound manner.

2. The aforesaid facts having been brought out, during the course of hearing, learned State counsel, on instructions, states that the respondents would not be averse to have a relook at the matter and decide afresh, taking note of the aforesaid submissions and judgments, within a period of 6 months, uninfluenced by the order impugned in the present case, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner.

3. The aforesaid satisfies the learned counsel for the petitioner.

4. The matter stands disposed of accordingly and if the petitioner is found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to her interest, the same may be passed after granting opportunity of hearing to her and shall contain reasons, whereupon she shall be free to seek legal redress thereupon.

16.05.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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