
(2010) 11 P&H CK 0590
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 1149 of 2010

Kanta Rani and Others

APPELLANT

Vs

The State of Punjab and Another

RESPONDENT

Date of Decision : 23-11-2010

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2010) 11 P&H CK 0590

Hon'ble Judges : Ajai Lamba, J

Bench : Single Bench

Judgement

Ajai Lamba, J.—This order shall dispose of CWP 1149 of 2010 (Kanta Rani and Ors. v. The State of Punjab and Anr. CWP 14731 of 2010 (Narinder Kaur Sandhu and Ors. v. The State of Punjab and Ors. CWP 7087 of 2010 (Dilbagh Singh and Ors. v. The State of Punjab and Ors.), CWP 14585 of 2010 (Rajwinder Singh and Ors. v. The State of Punjab and others), CWP 19742 of 2010 (Naib Singh and Ors. v. The State of Punjab and Ors.) and CWP 18316 of 2010 (Manjit Kaur v. The State of Punjab and Ors. as common questions of law and fact are involved.

2. For reference, the record of CWP 1149 of 2010 (Kanta Rani and Ors. v. The State of Punjab and Anr. is being taken up.

3. This petition under Articles 226/227 of the Constitution of India has been filed praying for issuance of a writ in the nature of mandamus directing the Respondents to grant pay scale to the Petitioners, who are serving as Physical Training Instructors and Art and Craft Teachers and are part and parcel of Classical and Vernacular Cadre, equivalent to Hindi/Punjabi Teachers.

4. It has been pleaded that judgment (Annexure P-5) favourable to the rights of the Petitioners was passed by this Court in CWP 16380 1989 (Balbir Singh and Ors. v. State of Punjab) and 15 other writ petitions, decided on 7.5.2009. The State of Punjab carried a Letters Patent Appeal, which was also dismissed.

5. Since the judgment was not implemented, the Petitioners of those writ

petitions filed COCP 2144 of 2010, wherein a statement has been given on behalf of the Respondents that in view of the relief granted by the court, amendment in rules is required to be made. A stand has been taken on behalf of the State Government that parity in pay-scales would be granted, as pleaded on behalf of the Petitioners. Certified copy of order dated 17.11.2010, passed in COCP 2144 of 2010 Ajaib Singh and Ors. v. C. Roul and Ors.) has been filed in court, which is taken on record.

6. From order dated 17.11.2010, passed in COCP 2144 of 2010, the following contents flow:

The Petitioners, who are Art & Craft Teachers/Physical Training Instructions etc. filed a writ petition claiming pay-scales equivalent to that of Hindi/Punjabi Teachers (language). The said writ petition was allowed by this Court vide judgment dated 07.05.2009.

Mr. G.S. Cheema, Sr. DAG, Punjab, present in Court, states that the letters patent appeal has been dismissed and the State Government has decided to grant parity in pay-scales, but such process requires amendment in the Rules. The amendment of Rules is likely to take about two months time.

In view of the statement of Mr. Cheema, the present contempt petition is disposed of as having been rendered infructuous. However, it shall be open to the Petitioners to seek revival of the petition in the event necessary consequential benefits are not granted to the Petitioners within a period of three months from today.

7. Learned Counsel for the Petitioners state that in view of the stand shown to have been taken by the Respondent-State, as recorded in the order extracted above, the present petitions have been rendered infructuous and be disposed of. The Petitioners, accordingly, will be entitled to the benefit as given in judgment dated 7.5.2009, passed in CWP 16380 1989 (Balbir Singh and Ors. v. State of Punjab).

8. In view of the above, the petitions are disposed of as infructuous. The Respondents, under the circumstances, would consider the cases of the Petitioners in the light of judgment of this Court rendered on 7.5.2009, passed in CWP 16380 1989 (Balbir Singh and Ors. v. State of Punjab), in terms of the undertaking given, as noticed from above extracted order passed in COCP 2144 of 2010 (Ajaib Singh and Ors. v. C. Roul and Ors.).