
(2014) 05 P&H CK 0186

In the Punjab And Haryana At Chandigarh

Case No : CM-6722-CWP-2014 in Civil Writ Petition No. 4715 of 2013

Neelam Puri and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 28-05-2014

Acts Referred:

Citation : (2014) 05 P&H CK 0186

Hon'ble Judges : Sabina, J

Bench : Single Bench

Advocate : P.K. Goklaney, Advocate for the Appellant; R.S. Pathania, DAG, Punjab, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

Sabina, J.—This petition has been filed by the petitioners seeking a direction to the respondents to grant them higher grade of pay on acquiring/possessing higher qualification.

2. Learned counsel for the parties have submitted that this petition be disposed of in terms of order dated 9.9.2011 passed by this Court in CWP No. 20989 of 2010 (Annexure P-9).

3. Order Annexure P-9 reads as under:-

The claim of the petitioners in the present petition is for granting of grade of B.A/ B.Ed/B.T. in view of the instructions issued by Government in view of the judgment passed by this Court as well as Judgment passed by Hon''ble the Supreme Court in Civil Appeal Nos. 4029-4043 of 1996-State of Punjab and Another v. Narain Dass & Others decided on 18.8.1998.

Earlier also, the petitioners filed C.W.P. No. 9755 of 2010, which was disposed of with a direction to the respondents to take a decision on the legal notice served upon the respondents within a period of three months vide order dated 25.5.2010. In compliance of the direction issued by this Court on 25.5.2010, the

respondents passed an order dated 30.9.2010 and claim of the petitioners have been declined only on the ground that the case of the petitioners is not covered by the case of Narain Dass's case (supra) whereas case of the petitioners is covered by the judgment of State of Punjab and others Vs. Om Prakash Kaushal and others, .

Learned State Counsel has not disputed this fact and submits that the petitioners are entitled to higher pay scale granted to the teachers in government schools on the basis of higher qualification but they cannot claim benefit of any increment in the pay scale on the basis of their acquiring higher qualification, which has been granted to the teachers in government schools.

Ms. Jyoti Sareen, learned counsel appearing for respondent No. 5 submits that the petitioners No. 6 and 11 have already been retired even prior to the filing of the present petition.

In view of the submissions made by counsel for the parties and after perusing judgment rendered in case of Narain Dass's case (supra), I am of the view that case of the petitioners is squarely covered by said judgment rendered in Om Prakash Kaushal's case (supra) has been discussed. The claim of the petitioners have wrongly been rejected by discussing the judgment in the case of Om Prakash Kaushal (supra). Accordingly, the present petition is allowed and impugned order dated 30.9.2010 (Annexure P-8) is quashed and the respondents are directed to consider the claim of the petitioners in view of the judgment in the case of Narain Dass's case (supra) within a period of three months from the date of receipt of certified copy of this order. However, the necessary relief be granted to the petitioners within six months from the date of receipt of copy of the order. However, the arrears would be restricted to the period 3 years and 2 months before the date of filing the writ petition.

4. Accordingly, this petition is disposed of in terms of the decision given by this Court in CWP No. 20989 of 2010 decided on 9.9.2011 (Annexure P-9).