

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

**COCP No.1820 of 2011 (O&M)
Date of decision:06.12.2019**

Kulwant Kaur and others

.....Petitioners

Vs.

Husan Lal and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R.K. Arora, Advocate
for the petitioners.

MS. Samina Dhir, DAG, Punjab.

AVNEESH JHINGAN, J. (Oral)

A common writ petition was filed by 132 petitioners seeking direction to respondent for grant of revised pay scale of Hindi/Punjabi Teachers, in accordance with the qualification. The writ petition was allowed on 06.09.1919 as the State counsel had not disputed that the petitioners were entitled to the relief claimed in terms of instructions annexed as Annexure P-8 (with the writ petition). However, the arrears were restricted to 38 months prior to 1979. The said order was challenged in SLP but the same was dismissed on 15.04.1996. SLP was dismissed, as affidavit of the counsel appearing before the High Court to the effect that he had not made concession before the High Court was not filed. The review petition filed was also dismissed on 24.07.1997.

As the needful was not done, contempt petition No. 134 of 1997 was filed. In the said proceedings an affidavit of Sh. SurinderSingh Brar, District Education, Faridkot dated 28.08.1997

was filed stating that for compliance of directions of this Court, the necessary sanction has been issued. It would be appropriate to quote the relevant pleading at this stage:-

“That in compliance of the decision in Civil Writ Petition No. 3490/91, Director of Public Instruction (Primary) Punjab requested the Government vide Memo No. 3/4/97-Estt.II(2) dated 12.08.1997 to accord necessary sanction in the matter. Accordingly, Government has issued requisite sanction vide their letter No. 12/31/91-Edu. 7/16985 dated 28.8.1997 annexed as 'Annexure R-II'. The same was endorsed by the Director of Public Instruction (Primary) Punjab to the answering respondent on 28.08.1997.

That after observing requisite formalities, every endurance will be made to disburse the due payments arisen on account of pay scale as per the decision of the Hon'ble Court to the successful petitioners”.

The contempt petition was disposed of on 29.08.1997 on the basis of the pleading in the affidavit and on the statement made that the revised pay scale shall be released within four months.

The needful was done in 1997-98. Thereafter on 23.12.2010 the benefits given to the six petitioners (in the present contempt petition) were withdrawn vide orders dated 23.13.2010 and 15.02.2011. Withdrawal was made relying upon Punjab Pay Scales of Teachers Act, 2004.

The grievance raised in the present petition is that out of 132 petitioners in the original writ petition, the benefit only qua six were withdrawn.

Learned counsel for the state on instructions from Ms. Kamaljeet (DEO) (EE), Faridkot, Mr. Dalbir Singh BPEO (Josto) District, Faridkot submits that there is nothing on record to establish that the benefit of all the petitioners was withdrawn. It is stated that order dated 23.12.2010 will not be implemented till the grievance raised by the petitioner is decide by passing a speaking order.

In view of above, the contempt petition disposed of.

(AVNEESH JHINGAN)
JUDGE

December 06, 2019
monika

Whether speaking/reasoned: Yes
Whether reportable: Yes