

Order No. 12/126-15Estt5(5)

Date: 01.03.2018

**Speaking Order**

Whereas, the Petitioner Amarjit Kaur & Others filed the CWP NO. 1863 of 1993, whereby the Petitioner had claimed that they joined State Education Department on adhoc basis on various dates between the years 1975 to 1977 and were seeking one premature increment on the basis of non-participation in the strike dated 08.02.1978. By the impugned judgment and order dated 03.10.2013 the writ petition in question was allowed by the following operative direction.

*"Applying the ratio of judgment rendered by this Court in Ramesh Chander's case(Supra) the instant writ petition is allowed. The respondent-authorities are directed to grant to the petitioners the benefit of pre-mature increment as envisaged under the letter dated 16.02.1978. Keeping in view the fact that the present writ petition was instituted in the year 1993, such benefit would be confined on a notional basis and the actual arrears would granted for a period of 38 months prior to the date of filing of the instant writ petition. Insofar as such petitioners who stand retired, they shall also be entitled to the revised pensionary benefits based upon the notional fixation of pay upon grant of benefit of one pre-mature increments.*

*Petition allowed in the aforesaid terms."*

Whereas , pursuant to the above direction of this Hon'ble Court, I, the undersigned personally delved into the matter in its entirety with the Punjab Govt. Instructions issued from time to time. It is pertinent to mention here that the Department had on earlier occasion, order passed by this Hon'ble Court on 17.01.2002 in CWP No.

*Am*

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*12/31/18*

19057 of 2001, CWP No. 17797 of 1999, and 19164 of 2001, 1280 of 2002, 1215 of 2002 and CWP No. 3405 of 2002 has been complied with by awarding one premature increment to those who were working on adhoc basis and did not participate in the strike dated 08.02.1978.

Whereas, on the other hand, the Hon'ble Apex Court in SLP No. 14219 of 2015 dated 27.04.2015, upheld the judgment and order passed by the Ld. Single Bench of the Hon'ble High Court on 18.05.2009

Whereas, in the light of judgement and order passed on 17.01.2012 and law laid down by the Hon'ble High Court and Hon'ble Apex Court in SLP No. 14219 of 2015 in the present matter and after considering the gravity of the case. It has been decided to implement the judgement and order dated 03.10.2013 by granting one premature increment to all the petitioners in the present writ petition. Therefore, I, the undersigned hereby pass the order to grant one pre-mature increment to all the petitioners.

Ordered accordingly.

(Paramjit Singh, PCS)  
Director Public Instructions(SE)  
Punjab, SAS Nagar.

Endorsement No. 328-332

Dated: 1-3-18

A copy of the above order is sent to the concerned for information and for further action.

- ✓ 1. All District Education Officers (SE)/( ), Punjab,
- 2. Concerned Petitioners 1 to 18.

*Harwinder Kaur*

Harwinder Kaur, Assistant Director

O/o DPI(SE) Punjab, SAS Nagar, Mohali

*ਪ੍ਰਿ.ਪੀ.ਓ. ਨੰ-1, 2, 3 / ਮਿਤੀ 03.10.2013 ਤੋਂ ਪਹਿਲਾਂ ਦੇ ਮੁਕੱਦਮੇ ਦੀ ਪੁਸ਼ਟਤ ਕਰਕੇ ਇਨ੍ਹਾਂ ਨੂੰ ਪ੍ਰਮੁੱਖਤਾ ਦਿੱਤੀ ਜਾਵੇਗੀ।*

*ਸਹਾਇਕ: ਸਿੱਖ ਮਿਲਿਟਰੀ ਮੈਨਬਰਸ ਨਿਯੁਕਤ*

*ਮਿਤੀ 03.10.2013 ਤੋਂ ਪਹਿਲਾਂ ਦੇ ਮੁਕੱਦਮੇ ਦੀ ਪੁਸ਼ਟਤ ਕਰਕੇ ਇਨ੍ਹਾਂ ਨੂੰ ਪ੍ਰਮੁੱਖਤਾ ਦਿੱਤੀ ਜਾਵੇਗੀ।*

*ਸਿੱਖ ਮਿਲਿਟਰੀ ਮੈਨਬਰਸ ਨਿਯੁਕਤ*