

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

(339)

CWP No.4133 of 1997 (O&M)

Date of decision: 26.08.2015

Pritpal Singh Headmaster (Retired)

....Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present: Mr.Raj Kumar Rana, Advocate for the petitioner.

Mr. Sourabh Mohunta, DAG, Haryana.

P.B. Bajanthri, J.

In this petition, the petitioner prayed for the following relief:-

“A) That the petitioner had retired in the year 1987, after attaining the age of super-annuation, hence, he is entitled to the selection grade, because he was in service on the date of Award of selection grade with immediate effect from 1.4.1970.

B) The petitioner is also entitled to the arrears of selection grade for the period of 38 months, in view of the clear and comprehensive terms/conditions in the office order dated 10.11.95 (P-1).”

In this petition, petitioner has questioned Annexure P3 dated 22.4.1996 in which the petitioner has been denied arrears of 38 months from the date of issue of selection grade order. He has retired in the year 1987 therefore, he is not entitled for the arrears. Whereas his pay has been fixed in the grade of Rs.400-500 w.e.f 1970.

It is undisputed that in an identical situation the respondents have paid arrears of 38 months. Therefore, the respondents cannot discriminate insofar as petitioner is concerned merely on the ground that he did not approach this Court earlier. Therefore, the Annexure P3 is liable to be set aside. The respondents are directed to pay arrears of 38 months within a period of 8 weeks'.

Accordingly, the writ petition is disposed of.

(P.B. BAJANTHRI)
JUDGE

August 26, 2015.
pooja saini