

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 1705 of 2012

Date of Decision : February 05, 2016

Shyam Kumar Sharma and others Petitioners

VS.

State of Haryana and another Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

* * *

To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

* * *

Present : Mr. Vikas Chatrath, Advocate
for the petitioners.

Ms. Shruti Jain Goyal, AAG, Haryana.

* * *

DEEPAK SIBAL, J. :

Through the present petition, the petitioners, as Sanskrit Teachers, seek parity in pay with Subhash Chander, who, according to them, is their junior.

The dates of appointment (both on ad-hoc and regular basis) and the pay scales of each of the petitioners, as also the aforementioned Subhash Chander, are tabulated below :-

<i>Sr. No.</i>	<i>Name</i>	<i>Date of joining on adhoc</i>	<i>Date of regularization</i>	<i>Pay fixed on 31.12.1995</i>	<i>Pay fixed on 01.01.1996</i>	<i>Pay after fixation of one increment on 01.09.1996</i>
1.	Shyam Kumar Sharma	27.09.1988	01.01.1991	Rs.1700/-	Rs.5850/-	Rs.6025/-
2.	Ram Chander	22.09.1988	01.01.1991	Rs.1700/-	Rs.5850/-	Rs.6025/-
3.	Ram Swaroop	22.09.1988	01.01.1991	Rs.1700/-	Rs.5850/-	Rs.6025/-
4.	Shiv Dutt Kumar	22.09.1988	01.01.1991	Rs.1700/-	Rs.5850/-	Rs.6025/-
5.	Satishwar Prashad	22.09.1988	01.01.1991	Rs.1700/-	Rs.5850/-	Rs.6025/-
6.	Jai Kumar	27.09.1988	01.01.1991	Rs.1700/-	Rs.5850/-	Rs.6025/-
<i>Sr. No.</i>	<i>Name</i>	<i>Date of joining on adhoc</i>	<i>Date of regularization</i>	<i>Pay fixed on 31.12.1995</i>	<i>Pay fixed on 01.01.1996</i>	<i>Pay after fixation of one increment on 01.01.1996</i>
1.	Subhash Chander	16.01.1989	01.04.1993	Rs.1650/-	Rs.5850/-	Rs.6025/-

On the basis of the facts as tabulated above, learned counsel for the petitioners submits that as on 01.01.1996, Subhash Chander's pay was ₹ 6025/-, in comparison to which, the petitioners' pay on the same date was ₹ 5850/- and as the petitioners had been appointed earlier to and that their services had also been regularized prior to Subhash Chander, they being senior to him, as on 01.01.1996, were entitled to be granted at least the same pay being given to him.

The aforesaid submission of the petitioners, at first blush is attractive, but does not stand deeper scrutiny. The petitioners belong to District Yamuna Nagar, whereas Subhash Chander is of District Karnal. As

per the applicable service Rules, which are the Haryana State School Education School Cadre (Group-C) Service Rules, 1998 (hereinafter referred to as – the Rules), the posts of Sanskrit teachers are district cadre posts. In this regard, Rule 6(2) of the Rules is reproduced below :-

“Rule 6 (2) *Appointments to the post in the service in case of Sanskrit teacher, Hindi teacher, Punjabi teacher, Physical Training Instructor, Art & Craft Teacher (Drawing Teacher), Tailoring Teacher and Tabla Player shall be made by the respective District Education Officers of the concerned district.”*

The petitioners on one hand and Subhash Chander on the other, being in different districts, thus belong to different cadres and consequently, are borne on distinct seniority lists. Therefore, the petitioners are not senior to Subhash Chander and resultantly, cannot compare their pay with his.

It is not the petitioners' case that any Sanskrit teacher junior to them in the District, to which they belong, is in receipt of higher pay.

In the light of the aforesaid discussion, the petitioners are not entitled to any relief, as claimed by them.

Dismissed.

No costs.

(DEEPAK SIBAL)
JUDGE

February 05, 2016