

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

* * * * *

CWP No. 15600 of 2015

Date of decision : May 25,2016

* * * * *

Jaipal Singh and others

.....Petitioners

Versus

The State of Haryana and others

.....Respondents

* * * * *

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

* * * * *

Present: Mr. Namit Kumar, Advocate for the petitioners.

Mr. Rajesh Gaur, Addl. Advocate General, Haryana.

Mr. Ranjit Saini, Advocate for respondents no. 4 & 5.

* * * * *

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

RITU BAHRI, J

The petitioners are seeking directions to the respondents to release the salary of the petitioners which has not been paid since July 2014 onwards along with ACP and dearness allowance.

As per the written statement filed on behalf of respondents no. 4 & 5, the financial condition of the School is very poor. The strength of the students in the school has drastically reduced, due to which the management is unable to pay its 25%

share of salary to the employees. They had written to the Director, Secondary Education, Haryana, Panchkula vide letter dated 7.3.2015 (Annexure R-4/9) for surrendering the aid and de-aiding the school.

In the written statement filed by the District Education Officer, Karnal filed on behalf of respondents no. 1 to 3, a specific stand has been taken that as per the Haryana School Education Rule, 2003, it is the duty of the managing Committee to pay salary and allowances to its employees. The State Government introduced Revised Pay Rules 2008 w.e.f 1.1.2006 and simultaneously introduced ACP Rules, 2008 vide notification dated 31.12.2008. In compliance of above letter/notification Financial Commissioner and Principal Secretary to Govt. of Haryana School Education Chandigarh vide memo dated 21.4.2010 informed all the school Managements of Aided Schools that the State Govt. has decided to allow revision of pay scale of teaching and non-teaching category in privately managed Govt. aided schools in the State of Haryana in the terms of notification dated 30.12.2008 w.e.f 1.1.2006. Regarding ACP scales, it has been specifically mentioned at Sr. No.3 of the ibid letter dated 21.4.2010 that the employee of Govt. aided schools shall not be entitled for facilities of ACP scales and medical allowance. Amount of arrears on account of revision of pay scales w.e.f 1.1.2006 was to be paid in four installments, out of which three installments 75% Govt. share have been released to management. Thereafter the Management has to pay 100% salary to the employees.

It has further been stated in the written statement filed on

behalf of respondents no. 1 to 3 that in pursuance of the order dated 2.2.2011 passed by this Court in CWP No.11686 of 2004 titled as Haryana State and Adhyapak Sangh (Govt. Aided Private Schools) vs. State of Haryana and others, the State Govt. has decided to allow ACP Scales to the teaching and non-teaching employees of privately managed Govt. aided Schools in the State of Haryana in terms of notification dated 7.1.1998 w.e.f 1.1.1996 titled as Haryana Civil Services (Assured Career Progression), Rules 2008 of State Govt. as conveyed vide memo dated 29.8.2012 and also allow w.e.f 1.1.2006 in terms of notification dated 30.12.2008 as conveyed vide memo dated 19.2.2013 subject to the outcome of the review of the petition no.8247 of 2010 filed by the Higher Education Department Haryana, Panchkula against the order dated 19.9.2011 passed by Hon'ble the Supreme Court of India in RA in SLP (Civil No. 24467 of 2011).

Affidavit of District Education Officer dated 24.5.2016 has been filed in Court giving details of the payment made to the employees of the respondents working in the management of Sheikhpura Khalsa Senior Secondary School, Karnal. As per the said affidavit, salary of the petitioners for the yers 2014-15 and 2015-16 has already been paid to the School management of Sheikhpura Khalsa Senior Secondary school, Karnal.

Learned counsel for the respondent-School has also informed that vide letter dated 28.3.2016, the entire amount received from the the grant-in-aid has been released. Since the State has

released the grant-in-aid to the extent of 75% till 2016 which has been paid to the petitioners by respondent no.4, therefore, at this stage, petition is disposed of by giving liberty to the petitioners to approach the Education Tribunal, if any claim still survives with the Management of the School.

Ordered accordingly.

May 25, 2016
ritu

(**RITU BAHRI**)
JUDGE