

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14350 of 1995

Date of Decision:-23.03.2017.

Ravi Dutt Sharma

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present: Mr. Ashok Kumar Jindal, Advocate for
Mr. Sanjay Mittal, Advocate for the petitioner.

Mr. Hitesh Pandit, Additional A.G. Haryana.

P.B. BAJANTHRI, J. (Oral)

1.) In the instant writ petition, petitioner has sought for a direction which reads as under:-

“i) issue a writ in the nature of mandamus directing the respondents to give the benefit of the higher pay-scale to the petitioner at par with Sanskrit Teachers w.e.f. 1.12.67 i.e. Rs.220-8-300/10-400(85% posts) w.e.f. 1.12.1967 and thereafter Rs.400-20-500 (15% posts) w.e.f. 11.6.1976 in Classical and Vernacular Cadre as Hindi Teachers;”

2.) The petitioner is stated to have been appointed as JBT Teacher in the Education Department on 3.11.1953 and further he was promoted to the post of Hindi Teacher. Prior to 4.5.1968 pay scale of all the Teachers were common. Later on the official respondents extended higher pay scale

to the Sanskrit Teachers and the same was not extended to other disciplines like Hindi, Punjabi etc. Thus, the present petition for seeking to rectify the pay anomaly between the Sanskrit and Hindi Teachers. Identical matter was came up before this Court in CWP No.1679 of 1982 (Attar Singh Vs. State of Haryana) disposed of on 5.8.1994 reported in 1995 (1) SCT 107. This Court passed following order:-

“7. In the result, the writ petition is allowed. The respondents are directed to give benefits of higher pay scales to the petitioners at par with Sanskrit Teachers as ordered by this Court on 22.10.1981 in Civil Writ petition No.2115 of 1972. The respondents should undertake the exercise of giving benefits of this order to the petitioners within a period of six months. I further direct that similar benefits be extended to other teachers belonging to the cadre of Classical and Vernacular Teachers even though such teachers may have not approached this court by filing a separate writ petition. This direction is necessary in order to avoid further litigations by similar situated persons.

Since the respondents have failed to give benefit to the petitioners despite the judgment dated 22.10.1981, they shall pay costs of Rs.500/- (five hundred) to each of the petitioners.

Petition allowed.”

3.) Learned counsel for the petitioner submitted that the official respondents preferred LPA No.767 of 1995 against the order passed in Attar Singh's case (supra) and LPA Bench rejected the same on 5.7.2006 while upholding the order of the Single Bench.

4.) Learned counsel for the petitioner relied on the above decision.

In view of the above facts and circumstances, the concerned respondents are directed to consider the grievance of the petitioner in terms of the order passed in Attar Singh's case (supra) within a period of 3 months from today. Further it is made clear that if the petitioner is extended the benefit of pay scale on par with the Sanskrit Teacher, the petitioner is not entitled for arrears. Arrears of pay is restricted to 38 months prior to filing of this petition. The concerned respondent is directed to calculate and disburse the arrears of pay also.

5.) Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

March 23, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.