

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

107-A

**CM No.1020 of 2017 in/and
CWP No.15967 of 2005 (O&M)
Date of Decision : 02.02.2017**

Dilawar Singh and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Jagbir Malik, Advocate
for the petitioners.

Ms. Shruti Jain Goyal, A.A.G., Haryana.

AJAY TEWARI, J. (Oral)

Documents (Annexures P-5 & P-6) are taken on record.

This petition has been filed for issuance of direction to the respondents to grant the pay scale of Rs.6500-10500 to Accountancy and Auditing Instructors at par with Hindi and English Teachers from the date it was granted to the juniors of the petitioners in the seniority list.

Learned Assistant Advocate General has very fairly stated that this petition can be disposed of in terms of the order dated

consequent to the order of this Court dated 23.09.2015 (Annexure P-5).

Learned counsel for the petitioners has further prayed that the arrears may be directed to be paid in a time bound manner.

Learned Assistant Advocate General has taken exception to this argument stating that as per the prayer made in the aforesaid applications the petition was to be disposed of in terms of the Government order and as per the Government order (Annexure P-6) only the petitioners in the order (Annexure P-5) were to be given the benefit of 38 months arrears i.e. prior to filing of the said writ petitions while the other employees were to be granted only notional benefits and the benefits would accrue to them prospectively.

In my opinion, this distinction is too fine to be accepted. It is not otherwise disputed that the case of the petitioners is covered by decision Annexures P-4 and P-5 and the arrears were granted to those persons because they had been vigilant and approached the Court. Similarly the petitioners in the present case also claimed relief, albeit later, but it cannot be denied that the petitioners have been in this Court for the past 11 years seeking to enforce their just claim.

In the circumstances, the relief given to the petitioners in the order Annexure P-5 is clearly applicable to the present petitioners as well and the limitation regarding notional benefits would be applicable only

to those employees who have not approached this Court.

Consequently, the present petition is disposed of in the same terms as order Annexure P-5. The petitioners are entitled to 38 months arrears as well prior to filing of the present petition. The respondents are directed to release the amount/s due to the petitioners within a period of 3 months from the date of receipt of a certified copy of this order, failing which, the petitioners would be entitled to interest @ 12% per annum from the date/s the amount/s fell due.

Since the main case has been decided, the pending Civil Miscellaneous Application, if any, also stands disposed of.

February 02, 2017
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No

Note: This order has been corrected/modified/deleted vide order dated 03.03.2017 passed in CWP No.15967 of 2005.”