

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

CWP No. 2276 of 2014

Date of Decision: 03.08.2017

Kirti Malik

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Gunjan Mehta, Advocate,
for the petitioner.

Mr. R.K. Doon, A.A.G., Haryana.

None for respondent no. 4.

Mr. Tribhuwan Dahiya, Advocate,
for respondents no. 5 and 6.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner, who is working as a Librarian in the Campus School of the B.P.S. Mahlia Vishwavidhyala, Khanpur Kalan, District Sonipat (respondent no. 6), a school run by the University, i.e. B.P.S. Mahila Vishwavidhyala, Khanpur Kalan, District Sonipat (respondent no. 5), is seeking parity of pay scale with a Librarian working in a Government school, the pay scale of such Librarian in the Government school being Rs. 9300-34800 with a grade pay of Rs. 4600/-, as per the order of the Finance Department annexed as Annexure P-13 with the petition.

The petitioner, on the other hand, has been recruited as a Librarian in the pay scale of Rs. 4400-125-6000-EB-7000, as per the appointment letter Annexure P-4.

It is pointed out by Mr. Mehra, learned counsel for the petitioner, that the aforesaid scales are pre-revised scales, pursuant to the recommendation of the 6th Pay Commission.

Be that as it may, further reliance is placed by learned counsel for the petitioner on a letter of the Central Board Secondary Education (respondent no. 4), Annexure P-1 dated 25.02.2010, laying down the conditions under which the respondent-School was granted affiliation with the Board, one of which (Clause 10) reads as follows:-

“Service conditions pay and allowances and other benefits to the employees of the school shall be in no way less than that of corresponding employee working in Government Schools of the State in which the school is located. An undertaking to this effect be sent to CBSE”.

Consequently, the prayer is that in view of the aforesaid condition laid down in the letter of the CBSE, the petitioners' pay scale deserves to be enhanced to be on par with a Librarian in a Government school.

The respondent-State, as also respondents no. 5 and 6, have filed written statements in reply to the writ petition, in which the stand of the school and the University is that the post in question being one covered by the grant-in-aid scheme of the State Government, the Government has sanctioned two posts of Librarians in the pay scale of Rs. 5200-20200+2800/- Grade pay, i.e. as per the revision of pay scales w.e.f. 01.01.2006.

The CBSE has chosen to not to put in appearance in response to notice issued to them or to file written statement to the petition.

Learned counsel for the petitioner does not in fact deny that the petitioner is now drawing his salary in the aforesaid pay scale.

Having considered the rival stands, it is first to be noticed that the petitioner of course having accepted the appointment, pursuant to an advertisement issued (Annexure P-2), with the last date for receipt of application forms being 07.04.2008 therein, of course, otherwise can have no grievance against the respondents but for the stipulation contained in the letter of the CBSE.

Hence, eventually non-payment of the pay scales to the employees of the respondent school, as are given to similarly placed employees in Government Schools, would entail possible de-recognition/de-affiliation of the school by the Central Board of Secondary Education.

Very obviously, the respondent-Government having taken on the responsibility of giving grant-in-aid to the school, as a welfare state would not, or at least should not, want the school to be de-recognised by the respondent-Board, thereby leading to complication for the students studying in the school, other than the loss of employment to the employees of the school.

Yet, the decision as to whether to implement the scales granted to Government employees qua employees of the respondent-school, eventually lies with respondents no. 1 to 3 herein, who would therefore take a decision on the aforesaid matter, the issue already having been referred by the respondent-school to respondent no. 2, i.e. Director General, Higher Education, as contended by Mr. Dahiya, learned counsel appearing for respondent no. 5 and 6.

Consequently, this petition is disposed of with a direction that a decision with regard to parity of pay scale to the petitioner, with the pay scale of Librarians in Government schools, be taken by respondent no. 2 within a period of three months from the date of receipt of a certified copy of this order, keeping of course in mind the observations made hereinabove, to the effect that non-compliance of the conditions of affiliation stipulated by the Central Board of Secondary Education, may result in de-affiliation of the school and thereby play havoc with the lives of the students of the school.

August 03, 2017
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes