

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

CWP No. 8380 of 2016

Date of Decision: 08.02.2017

CHANDER KANTA AND OTHERS

... Petitioners

VS.

STATE OF HARYANA AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Ms. Geeta Singhwal, Advocate,
for the petitioners.

Mr. Keshav Gupta, AAG, Haryana.

KULDIP SINGH, J. (Oral)

Brief facts of this case are that the petitioners are the Ex-Headmasters and Headmistresses retired from Education Department, State of Haryana. Vide this writ petition, filed under Article 226/227 of the Constitution of India, the petitioners have impugned the letter dated 25.03.2015 (Annexure P-7) vide which arrears of pay scales w.e.f. 01.01.1996 were denied while fixing the notional pay of the petitioners.

The prayer of the petitioners is for grant of arrears of revised pay scales w.e.f. 01.01.1996. It comes out that some of the similarly situated employees had earlier approached this Court by way of CWP No. 8082 of 2001 titled as R.K. Verma and others Vs. State of Haryana and others, claiming the revised pay scale w.e.f. 01.01.1996 instead of 01.08.2000, as was done by the Government of Punjab. The said writ petition was disposed by this Court vide judgment dated 01.12.2010 (Annexure P-2) whereby this Court has ordered that the revised pay scale be granted w.e.f. 01.01.1996 to the petitioner.

However, the arrears of pay were restricted to 38 months prior to the date of filing of the said writ petition. Admittedly, the Letter Patent Appeals filed by the Government of Haryana bearing No. LPA Nos. 951 and 952 of 2012, before the Division Bench of this Court and Special Leave Petitions filed before the Apex Court were dismissed and the said judgment has become final. In pursuance to the said judgment, the respondents have passed the order dated 25.03.2015 (Annexure P-7) vide which while releasing the benefit of revised pay scale i.e. ₹7500-₹12000 w.e.f. 01.01.1996, the arrears of the petitioners of the said petition were restricted to 38 months prior to the date of filing of the writ petition. However, regarding non-petitioners, it was directed that they will not be entitled to any arrears. It is second part of the impugned letter dated 25.03.2015, for not granting the arrears which is impugned by the present petitioners.

After hearing both the parties, I am of the view that the said impugned letter dated 25.03.2015 (Annexure P-7), refusing the arrears upto 38 months to the non-petitioners is illegal and is liable to be quashed. Once this Court had directed that the retired Principal, Headmasters and Headmistresses are entitled to fixation of pay of ₹7500-₹12000 w.e.f. 01.01.1996 and the petitioners in the previous litigation were allowed arrears for 38 months, therefore, other Headmasters/Headmistresses who had not approached this Court could not be denied the similar benefit.

Therefore, it is held that the petitioners are also entitled for the similar benefit of payment of arrears for 38 months prior to the filing of the present writ petition. Needless to say that the same pay scale shall also be

CWP No. 8380 of 2016

released to the petitioners w.e.f. 01.01.1996. The needful be done within two months from the date of receipt of certified copy of this order.

In view of the above the present petition stands allowed.

February 8, 2017
Suresh Kumar

[KULDIP SINGH]
JUDGE

Whether speaking / reasoned :

✓
Yes / No

Whether Reportable :

✓
Yes / No