

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

Date of decision: 30.11.2018

CWP No.1710 of 2001 (O&M)

Urmila Rani & others

...Petitioners

Vs.

State of Haryana & others

...Respondents

CWP No.17641 of 2006 (O&M)

Raj Kalra & others

...Petitioner

Vs.

State of Haryana & others

...Respondents

CWP No.18499 of 2004

Om Parkash Yadav

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the petitioner(s)
 in CWP Nos.1710 of 2001 and 17641 of 2006.

Ms. Geetanjali, Advocate, for
 Mr. Raman B. Garg, Advocate, for the petitioner
 in CWP No.18499 of 2004

. Mr. Harish Nain, AAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

1. This order will dispose of the above captioned writ petitions, as common questions of law and facts are involved in them which can conveniently be decided by a common order.

2. CWP Nos.1710 of 2001 and 17641 of 2006 were admitted on 08.01.2007 to be heard with CWP No.17512 of 1997, but got separated for the reasons known to the Registry. CWP No.17512 of 1997 titled 'Jyoti Prasad Gupta & others Vs. State of Haryana & others' stands decided by the Division Bench of this Court on 16.05.2014, wherein the following order was passed:

“Counsel for the parties are in agreement that this writ petition can be disposed of in terms of the ratio of judgment rendered by the Supreme Court in *State of Haryana and Others v. Hem Lata and Others (2010) 2 Supreme Court Cases 369*.

In view of consensus arrived at between the parties, this writ petition is disposed of in view of ratio of judgment rendered by the Supreme Court in *Hem Lata's case (supra)*. If anything needs to be done at the level of the Government, action be taken up within two months from the date of receipt of a certified copy of this order.”

3. It would facilitate understanding of the present case to reproduce the operative part contained in *Hem Lata's* case relied on by the subsequent bench. The same reads as follows:

“21. In our view, the doubts and confusion created due to the judgment in Chaman Lal's case on the entitlement of the teachers to automatically get particular pay scale prescribed for higher post have been clarified by the judgments in Wazir Singh's case and Kamal Singh Saharawat's case and in view of the latter decisions, the respondents' claim for grant of advance increments in terms of Memo dated 1.9.1960 issued by the Government of Punjab cannot be accepted.

22. Before concluding, we consider it necessary to observe that while deciding the writ petitions filed by the respondents, the High Court neither adverted to the reasons assigned by the Director for rejecting the respondents' claim for advance increments nor any fault was found with order dated 30.7.1998. The High Court also failed to notice that the writ petitions were filed not only by the Masters/Mistresses, but also by other categories of teachers i.e., Lecturers, Language Teachers, Physical Training Instructors etc. who could not, by any stretch of imagination, lay claim for advance increments in terms of Memo dated 1.9.1960 issued by the Government of Punjab which was confined to the Masters only. Therefore, on this ground also the direction given by the High Court for grant of advance increments to the respondents cannot be sustained.

23. In the result, the appeals are allowed. The impugned orders are set aside and the writ petitions filed by the respondents before the High Court are dismissed. However, it is made clear that this order shall not be made a ground to deny the benefit, if any, admissible to the respondents or any one of them in terms of the policy contained in letter dated 20.6.1977. Rather, the State Government and the concerned authorities should suo motu undertake appropriate exercise for grant of benefit of that policy to the respondents and other similarly situated persons, pass appropriate orders and pay monetary benefits to the concerned teachers within six months from the date of production/receipt of copy of this judgment. Needless to say that such benefit shall not be admissible to the teachers who may have improved their qualifications on or after 20.12.1982 i.e., the date on which the policy contained in letter dated 20.6.1977 was withdrawn.”

4. Accordingly, the instant petitions are disposed of in terms of *Jyoti Prasad Gupta's* case after hearing the respective counsel for the parties

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and with them perusing the record placed on the file of the three identical cases. Further action be taken by the authorities accordingly.

30.11.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*