

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

CWP No. 13094 of 2016

Date of Decision:-10.09.2018

Hari Krishan Khanna

...Petitioner

Versus

Union of Territory of Chandigarh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present:- Ms. Vaishali Singla, Advocate for
Mr. Aakash Singla, Advocate
for the petitioner.

Mr. Suvir Sehgal, Sr. Standing counsel with
Mr. Vikas Chatrath, Advocate and
Ms. Komal Bidhan, Advocate
for respondent Nos.1 and 2.

Mr. Jatinder Nagpal, Advocate for
Mr. Naveen Chopra, Advocate
for respondent No.3.

Mr. Rohit Dheer, Advocate
for respondent Nos.4 and 5.

RAJIV NARAIN RAINA J.(Oral)

The petitioner is entitled to arrears of revision of pay scale w.e.f. 01.1.2006 in terms of an order of Chandigarh Administration, Education Department dated 20.9.2012 (Annexure P-4). Even after six years the petitioner is still awaiting pay scales due to revision w.e.f. 01.01.2006 as shown in order containing a table fixing the pay as on 01.7.2006, 1.07.2007 and 01.07.2008.

The petitioner tort voluntary retirement as DPE/Lecturer w.e.f.

1.6.2009 from the GGSDS College, Sector 32, Chandigarh. Since the college is an aided one, the liability to pay the arrears of revision of pay scale falls on the management in the first instance and thereafter they may seek reimbursement from the Chandigarh Administration. This mechanism of payment by grant-in-aid college first and reimbursement from the Chandigarh Administration is inconsonance with the directions issued by the Supreme Court in **Anandi Mukta Sadguru Shree Mukta vs. V.R. Rudani and others AIR 1989 SC 1607.**

Accordingly, this petition is allowed with a direction to respondent Nos.4 and 5 to calculate and pay arrears to the petitioner due to revision of pay scale w.e.f. 1.1.2006 till the date of voluntary retirement, to be paid within six weeks from the date of receipt of certified copy of this order. The draft in the name of the petitioner be handed over to learned counsel for the petitioner or by any other arrangement (mode of payment) the petitioner might like to have which can be intimated directly to respondent Nos.4 and 5. The arrears shall carry interest @ 6% per annum from the date the arrears became due till realization.

September 10, 2018

Vijay Asija

(**RAJIV NARAIN RAINA**)

JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No