

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

249-5**CWP No.12044 of 2018****Date of Decision : 09.05.2019****MAHA SINGH SINDHU AND OTHERS.****...PETITIONERS****V/S****STATE OF HARYANA AND OTHERS.****....RESPONDENTS****CORAM : HON'BLE MR. JUSTICE B.S. WALIA**

Present: Mr. R.P. Dangi, Advocate for the petitioners.
Mrs. Shruti Jain Goyal, DAG, Haryana.

B.S. WALIA, J. (ORAL)

[1] Prayer in the petition is for the issuance of a writ in the nature of Mandamus directing the respondents to grant the benefit of selection grade of Rs.7500 – 12000/- w.e.f. 01.01.1996 instead of 01.08.2000.

[2] Learned Deputy Advocate General, Haryana, has produced copy of order dated 02.05.2019, passed by the Secretary to Government Haryana, School Education Department, Haryana, Panchkula, granting pay scale/selection grade of Rs.7500 – 12000/- to the petitioners notionally w.e.f. 01.01.1996 and actually prospective effect limited to the 20% cadre strength of the Lecturer (School Cadre) with arrears of pay being restricted to 38 months since the filing of the writ petition where specific orders have been passed by the High Court. The order is taken on record. Copy thereof handed over to learned counsel for the petitioners, who states that in view of the claim having been allowed by removing the anomaly w.e.f. the date from which the anomaly arose and not with effect from the date when the anomaly was discovered, or prospectively with effect from the

date of choice of the employer in view of the Full Bench decision of this Court in **‘Rajbir Singh and others vs Haryana State Electricity Board and others-2009(4) RSJ 125**, it be clarified that arrears would be admissible to the petitioners for a period of 38 months, prior to the filing of the writ petition.

[3] Learned Deputy Advocate General, Haryana, states that she does not oppose the aforementioned plea in view of arrears for a period of 38 months having been allowed to the petitioners in CWP No.9347 of 2016 in case titled as *‘Jagat Singh versus State of Haryana’* on the basis of which, order dated 01.05.2019 has been passed.

[4] Accordingly, in the light of the position as noted above, the writ petition is allowed in terms of order dated 02.05.2019, passed by the Secretary to Government Haryana, School Education Department, Haryana, Panchkula, while clarifying that arrears of pay would be admissible to the petitioners for a period of 38 months, prior to the filing of the writ petition.

(B.S. WALIA)
JUDGE

May 09, 2019
‘Rajneesh’

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No