

(233) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.28019 of 2017
Date of decision : 16.07.2019

Kanta Yadav and others Petitioners

Versus

State of Haryana and another Respondents

Before: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. B.K. Bagri, Advocate for the petitioners.
Mr. Pankaj Mulwani, DAG, Haryana.

B.S. WALIA, J. (ORAL)

[1] Claim in the writ petition is for the issuance of a writ in the nature of Mandamus for directing the respondents to remove the pay anomaly and grant selection grade of ₹ 7500/- – ₹ 12000/- w.e.f. 01.01.1996 instead of 01.08.2000 on the post of Lecturers in terms of Government of Haryana letter, Annexure P-1 dated 19.12.2000 vide which Head Masters of Government High School and 20% cadre posts of Lecturers of Government Senior Secondary Schools were granted the benefit of selection grade as per judgment dated 20.02.2017 passed by this Court in CWP No.9347 of 2016 in case titled as Jagat Singh and others v. State of Haryana and others.

[2] Learned DAG states that petitioner Nos.5, 9, 10, 12, 13, 15, 16, 17, 18, 21, 22, 24, 25, 26 and 27 have been granted the benefit prayed for and that arrears would be paid to the aforementioned petitioners in case the Court so ordered. In this regard learned counsel has filed copy of order dated 03.06.2019 in court today which is taken on record. Copy thereof

handed over to learned counsel for the petitioners.

[3] Learned counsel for the petitioners states that the benefit has been granted notionally only w.e.f. 01.01.1996 and actually prospectively with effect from the date of passing of order, whereas CWP No.9347 of 2016 in terms of which order dated 03.06.2019 has been passed, had directed removal of anomaly and grant of grade admissible with effect from 01.01.1996 instead of 01.08.2000 with actual benefits to be granted for a period of 38 months prior to the date of filing of the writ petition. Therefore, there was no reason as to why the petitioners not be granted arrears for a period of 38 months prior to the date of filing of the writ petition.

[4] The same is not opposed to by the learned DAG.

[5] Accordingly, in view of the position as noted above, the aforementioned petitioners i.e. petitioner Nos. 5, 9, 10, 12, 13, 15, 16, 17, 18, 21, 22, 24, 25, 26 and 27 are held entitled to grant of benefit in terms of order dated 03.06.2019 with arrears to be payable for a period of 38 months prior to the filing of the writ petition which shall be released within a period of two months from today failing which the same shall carry interest at the same rate as was ordered in CWP No.9347 of 2016 with effect from the date of entitlement till date of payment. However, grant of the benefit in terms of order dated 03.06.2019 would be subject to the other terms and conditions contained in the aforementioned order being fulfilled.

[6] As regards the other petitioners, learned DAG states that orders have been passed declining the relief claimed by them and they have also been informed of the same.

[7] In the light of the position as noted above, the writ petition qua petitioner Nos. 5, 9, 10, 12, 13, 15, 16, 17, 18, 21, 22, 24, 25, 26 and 27 is allowed as above while writ petition qua remaining petitioners is dismissed

as not pressed with the liberty to challenge order dated 03.06.2019, as has been passed by the respondents.

16.07.2019
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(B.S. Walia)
Judge

1. Whether speaking/reasoned: Yes/No.
2. Whether reportable : Yes/No.