

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

**CWP No.24716 of 2022
Date of Decision : 28.10.2022**

Parmeshwari Devi @ Permeshvery Devi

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sumit Sangwan, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, the grievance being raised by the petitioner is that the petitioner was selected and was awarded the State Teacher Award for the year 2021 hence, the petitioner be given the benefit as envisaged under the State Teachers Award Policy of 2020, issued on 14.09.2020. According to the said policy, a State Awardee teacher is also entitled for extension in service for a period of two years, by ignoring the amendment of the said policy dated 14.09.2020, as amended on 13.05.2022.

Learned counsel for the petitioner argues that prior to 13.05.2022, the State Teacher Award also included the concession of extension in service for a period of two years, which concession has been withdrawn while amending the State Teachers Award Policy, as issued on 13.05.2022.

Learned counsel for the petitioner submits that once the petitioner has been selected for State Teachers Award for the year 2021 though, the selection of the petitioner was in August 2022, the earlier

policy of the year 2020 will be applicable upon the petitioner, which grant the concession of extension in service for a period of two years, hence, the respondents be directed to grant the benefits to the petitioner as admissible to the State Awardee as envisaged under the State Teachers Award Policy of 2020, issued on 14.09.2020.

I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

The first question which needs to be discussed is whether the benefits admissible in pursuance to an award, which are in the nature of an incentive, can be claimed as a matter of right and that too against the policy which has been issued by the Government. Incentives admissible to an employee in respect of a State Award cannot be claimed as a matter of right and the incentives to be given to a teacher depends upon the sole discretion of the competent authority. The incentive, which is to be provided to a State Awardee, is the complete discretion of an employer which can be changed at any given point of time.

Hence, the claim of a particular incentive under a Teachers Award Policy which already stands amended on the date of granting the State Award, cannot be allowed on the asking of a State Awardee.

The argument which has been raised by learned counsel for the petitioner in the present petition is that the petitioner has been selected for the State Teacher Award for the year 2021 and therefore, the policy which was available in the year 2021 should be adhered to while giving the incentive and the amended policy dated 13.05.2022 should not be made applicable upon the petitioner.

It is conceded by learned counsel for the petitioner that no award was given in the year 2021 and even the selection of the petitioner for the said Award was made on 25.08.2022, which selection is after the amendment of the State Teachers Award Policy of 2022 dated 14.09.2020. On the date when the petitioner was selected for the State Award, i.e. 25.08.2022, the policy dated 13.05.2022 was already in operation and therefore, the petitioner can only claim the benefits under the policy which was in existence at the time when the petitioner was selected for the award, which benefit has already been extended to the petitioner, hence, no grievance can be raised by the petitioner.

In view of the above, no ground for interference by this Court is made out and the present petition is accordingly dismissed.

28.10.2022

rittu

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No