

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-4684-2022 (O&M)

Date of Decision: 24.05.2023

SHAMSHER SINGH AND ORS

... Petitioners

Versus

STATE OF HARYANA AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Anil Kumar Sharma, Advocate
for the petitioners.

Mr. Sanjeev Kaushik, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for issuance of a writ in the nature of Certiorari quashing the orders dated 29.12.2020, 04.12.2020 and 07.08.2021 (Annexures P-6 to P-8), being in violation of Rule 7 and Schedule-I of Haryana Civil Services (Revised Pay) Rules, 2008 dated 30.12.2008 (Annexure P-1).

Learned counsel for the petitioners submits that the petitioners were appointed as Primary Teachers/Junior Basic Training (JBTs)/C&V teachers in the pay scale of 4500-7000 prior to 01.01.2006 and are governed by Haryana Civil Services (Revised Pay) Rules, 2008; that the said Rules were revised from time to time; that some of the candidates appointed in the year 2006, approached this Court by way of CWP-11254-2010 titled as Neelam Rani vs State of Haryana and others and that the said CWP-11254-2010 was allowed vide order dated

15.05.2013 and the petitioner (therein) was held entitled for the step-up in pay, an amount which the juniors were drawing. He further submits that the petitioners herein have also filed the present writ petition for step-up of pay, at par with their juniors and that the Rules were again amended by the Finance Department vide Notification dated 07.02.2019.

Learned counsel for the petitioners further submits that the amendment in the Rules made on 07.02.2019 was challenged by the teachers by way of CWP-12052-2019 titled as Samunder Singh and others vs State of Haryana and others, which is pending adjudication for 18.07.2023.

At this stage, while relying upon the order dated 21.03.2023 passed by this Court in CWP-601-2021, learned counsel for the petitioners argues that the petitioners (herein) are similarly situated to the ones in CWP-601-2021 and this Court has already decided the issue in question and thus, the the present writ petition be disposed of in terms of CWP-601-2021. The relevant extract of the order dated 21.03.2023 passed by this Court in CWP-601-2021 would read as under:-

'It is not disputed that the pay of the petitioners was fixed post the Notification issued by the Government of Haryana. It is also not disputed that vide order dated 12.01.2021 passed by a Coordinate Bench of this Court, the recovery notices (impugned herein) have been stayed.

Without commenting anything on the merits of the case, the present petition is disposed of, with a direction that the operation of the order dated 12.01.2021 passed by a Coordinate Bench of this Court shall remain in force and the respondent-Departments are directed not to effect any recovery, till the decision of Samunder Singh's case (supra).

However, the respondent-Department would be at liberty to proceed further, in accordance with the judgment to be rendered in Samunder Singh's case, as per law.

On the other hand, learned State counsel submits that the petitioners have been working as Primary Teachers/Junior Basic Training (JBTs)/C&V teachers in the District cadre and that the pay anomaly between the juniors and the seniors is to be considered at the District cadre level itself and not otherwise.

I have heard the learned counsel for the parties.

There is no denial to the fact that this Court vide order dated 21.03.2023 passed in CWP-601-2021 has already dealt with the issue involved in this petition.

In view of the above, the present petition is disposed of in the same terms of the order dated 21.03.2023 passed in CWP-601-2021 and the respondent-Departments are directed not to effect any recovery, till the decision of Samunder Singh's case (supra).

However, the respondent-Department would be at liberty to proceed further, in accordance with the judgment to be rendered in Samunder Singh's case, as per law.

24.05.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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