

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

237

CWP-26715-2018 (O&M)

Date of Decision: 21.03.2023

ALOK KUMAR AND ORS

... Petitioners

Versus

STATE OF HARYANA AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Anurag Goyal, Advocate
for the petitioners.

Mr. Rohit Arya, DAG, Haryana.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for issuance of a writ in the nature of Certiorari for quashing the orders dated 27.09.2018 and 22.09.2018 (Annexure P-6 and P-7), being in violation of Rule 7 and Schedule-I of Haryana Civil Services (Revised Pay) Rules, 2008 (Annexure P-2).

At the outset, learned counsel for the petitioners gives up his reliance upon the judgment dated 15.05.2013 rendered by a Coordinate Bench of this Court in CWP-11254-2010 titled as Neelam Rani vs State of Haryana and others.

Learned counsel for the petitioners further submits that the petitioners were appointed as Primary Teachers/Junior Basic Training teachers (JBTs) in the pay scale of 4500-7000 prior to 01.01.2006; that, vide notification dated 30.12.2008 (Annexure P-2) issued by the Government of Haryana, the said pay scale was revised in the pay band of 9300-34800 + 4200 (GP), which was made applicable w.e.f.

01.01.2006; that as per the said Notification, the initial pay of the petitioners was supposed to be fixed @ Rs.16,290/- (Rs.12,090/- + Rs.4,200/-); that, thereafter, the Government of Haryana again issued a Notification dated 16.12.2010 improving further the structure of Entry Level Pay for the post-01.01.2006 direct recruits cadres/services of the State; that the notification dated 16.12.2010 was challenged by some of the JBT teachers by way of CWP-15320-2018 titled as Krishan Kumar and others vs State of Haryana and others and that since during the pendency of CWP-15320-2018, the Rules were amended on 07.02.2019, the said writ petition was dismissed on 22.05.2019, as having become infructuous. He further submits that though the pay scale of the petitioners were fixed, keeping in view the Notification issued by the Government of Haryana, yet the respondent-Department has issued the impugned notices, which have been stayed by a Coordinate Bench of this Court, vide order dated 16.10.2018.

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.

On the other hand, learned State counsel submits that the petitioners have been working as JBTs 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.

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 16.10.2018 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 16.10.2018 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.

21.03.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*