



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

Sr. No.201

**COCP- 2045-2013 (O&M)
Date of Decision:24.07.2024**

Om Parkash & others

...Petitioners

VERSUS

G. Anupama and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. R.K. Malik, Sr. Advocate assisted by
Mr. Ankur Sheoran, & Samrat Malik, Advocate
for the petitioner(s).(COCP Nos. 2094 and 2045 of 2013).

Mr. Ranjit Singh Kalra, Advocate with
Ms. Mona Yadav, Advocate for the petitioner(s).
(COCP Nos. 469, 1229, 1325, 1772, 2573, 284, 287 of 2024).

Mr. Rainer Malik Ravi, Advocate for the petitioner(s).
(COCP Nos. 1251, 1429, 1597, 701, 763, 764, 848, 1036, 1031,
2462, 1511, 2067, 1879, 2118, 3402 of 2023).

Mr. Naveen S. Attri, Advocate for the petitioner(s).
(COCP No. 2564 of 2023).

Mr. Vikram Singh, Advocate for the petitioner(s).
(COCP No.3348 of 2023).

Mr. Sita Ram Barvaria, Advocate for the petitioner(s).
(COCP No. 2539 of 2023).

Mr. Ranjit Singh Kalra, Advocate for the petitioner(s).
(COCP No. 2441 of 2024, 469, 1229, 1325, 1775, 2573 of
2023, 284, 287 of 2024).

Mr. Vikas, Advocate, Mr. Ajay Patha, Advocate and
Mr. Kamal Mor, Advocate for the petitioner(s).
COCP No. 3963 of 2023.

Mr. Jasbir Mor, Advocate for the petitioner(s).
COCP No. 40, 43, 45, 451, 2336, 1251, 2157, 2364, 1723, 2220
and 2398 of 2023.

Mr. Govind Mor, Advocate for the petitioner(s).
(COCP No. 43 of 2024).

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Mr. B.S. Tewatia, Advocate for the petitioner(s)
(COCP-1262-2023).

Mr. Pawan Kumar Longia, DAG Haryana.
Mr. R.D. Sharma, DAG Haryana.
Mr. Amit Aggarwal, DAG Haryana alongwith
Sh. Vineet Garg, ACS Education Haryana.
Mr. R.S. Shillon, Director Secondary Education Respondents.

Mr. Vineet Garg, IAS (ACSSE) and
Mr. R.S. Dhillon, IAS (DGEE) in person.

RAJBIR SEHRAWAT, J.(ORAL)

1. This order shall dispose of bunch of COCP Nos.2045 of 2013 (Om Parkash and others vs. Surina Rajan), COCP-2094-2013, COCP-40-2023, COCP-43-2023, COCP-45-2023, COCP-451-2023, COCP-469-2023, COCP-2157-2023, COCP-2364-2023, COCP-2539-2023, COCP-3348-2023, COCP-1251-2023, COCP-1429-2023, COCP-1597-2023, COCP-701-2023, COCP-763-2023, COCP-764-2023, COCP-848-2023, COCP-1299-2023, COCP-1036-2023, COCP-1031-2023, COCP-1262-2023, COCP-1325-2023, COCP-1723-2023, COCP-1728-2023, COCP-1772-2023, COCP-2220-2023, COCP-2462-2023, COCP-472-2023, COCP-512-2023, COCP-1511-2023, COCP-1098-2023, COCP-2067-2023, COCP-1879-2023, COCP-2118-2023, COCP-2336-2023, COCP-2398-2023, COCP-2573-2023, COCP-3402-2023, COCP-3963-2023, COCP- 43-2024, COCP-2564-2023, COCP-284-2024, COCP-287-2024.

2. Counsel for the respondents-State has pointed out that the above said contempt petitions have been filed by serving and retired members of the cadre of PTI/(NFC). The issue involved in these petitions is for grant of higher pay scale to the members of the cadre of PTI in the Educational Department Haryana at par with those persons, who had joined the slate PTI cadre by absorption from the cadre of PTI/NFC under the Government of



India. At the time of absorption, it was specifically mentioned that the PTI (NFC), on absorption as the members of cadre of PTI would be entitled to the benefits of the pay scale which were available to the members of the cadre of PTI in the State cadre of Haryana. However, at one point of time, when actually fixing their pay, it was fixed in a wrong higher pay scale. Based on higher fixation for PTI (NFC), several writ petitions were filed by the original members of the cadre of the PTI under the State Government of Haryana claiming that there cannot be two different pay scales in the same cadre. The said writ petitions were allowed by various courts despite the authorities having passed certain orders withdrawing the wrongly granted higher pay scale even from the PTI (NFC). In one of such earliest writ petition i.e. CWP No. 11738-1988, this Court had directed to look into the aspect and to pass a specific order. But even subsequent to that, three writ petitions i.e CWP-2071-1986, 5328-1990 and 1251-1990 were specifically allowed by this Court in view of the fact that the withdrawal of higher scale from PTI (NFC) was quashed by this Court in another writ petition and the matter has become final even upto the Honble Supreme Court. Therefore, the State is granting the benefit as per the order of the Court to all the persons, who were petitioners in the above said writ petitions except one person petitioner, namely Prithi Chand, in CWP No. 1251-1990.

3. It is further pointed out that, in fact, benefit already stood granted to such petitioners vide order dated 22.07.2024. But vide that order, the petitioners were granted benefit from the back date only on notional basis, though by revising their pensionary benefits. However, on re-consideration, the authorities have now decided to make the actual payment of the arrears arising from retrospective revision of pay scales, pensions etc.

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to the eligible petitioners. The said benefits will be released to the eligible petitioners in the above said petitions within a period of two months from today.

4. So far as the generalized application of the order passed by this Court is concerned, learned counsel for the respondents has submitted that qua the order dated 18.01.1995 passed in CWP No. 11738-1998, the COCP No. 1219-2005 was filed before this Court. In the said COCP, a direction was issued to the respondents to pass a speaking order in compliance of the above said order passed in CWP No. 11738-1998. Although for a long time, earlier the said order could not be specifically passed, however, a specific order dated 17.08.2006; declining the relief to such persons was passed by the competent authority; during the hearing of the aforesaid contempt proceedings. The said order has not even been challenged so far in any writ petition. Accordingly, it is asserted that except the petitioners of all the above said writ petitions, no other person is being granted the benefit by the State.

5. Counsel for the petitioners have not been able to contradict the passing of the aforesaid order dated 17.08.2006, which has not been specifically challenged before any Court, and thus, the same has not been set aside by any Courts so far.

6. In view of the above, all the aforesaid petitions are hereby dismissed as having been rendered as infructuous.

7. However, the petitioners in the contempt petitions except the contempt petitions arising from the above said three petitions i.e. CWP No. CWP-2071-1986, 5328-1990 and 1251-1990, and any other persons aggrieved by the order dated 17.08.2006 passed by the State authority,



would be at liberty to avail any other and alternative remedy, in accordance with law.

8. Miscellaneous application, if any, also stand disposed of.

24.07.2024
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned?	Yes
Whether reportable?	No