

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

108

CWP-660-2024 (O&M)
Date of decision : 12.03.2024

Anju AjmaniPetitioner

V/S

State of Haryana and othersRespondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Saurabh Bajaj, Advocate for the petitioner.
Mr. Saurabh Mohunta, D.A.G., Haryana.

NAMIT KUMAR, J. (ORAL)

CM-2173-CWP-2024

Prayer in the instant application filed under Section 151 of CPC is for placing on record copy of re-fixation of pay and copy of order dated 17.02.2023 passed by this Court as Annexures P-15 and P-16.

Allowed as prayed for subject to all just exceptions.

CM-2415-CWP-2024

Prayer in the instant application filed under Section 151 of CPC is for placing on record copy of order dated 28.04.2021 passed by respondent No.2 as Annexure P-17.

Allowed as prayed for subject to all just exceptions.

CWP-660-2024

1. The petitioner has filed the instant writ petition under Articles 226/227 of the Constitution of India for restraining the

respondent-authority from withdrawing any benefit from the pay scale of the petitioner on account of judgment dated 05.01.2021 (Annexure P-6) passed in CWP No.11686 of 2004, whereby it was held that the ACP Scheme would be applicable to the employees of Government Schools only and not to the employees of Government Aided Schools. Further a writ of mandamus is sought for directing the respondents to implement the instructions issued by the Government vide letters dated 22.10.2003 and 16.07.2003 (Annexure P-1C and P-7) to all the Government Aided School in the State of Haryana for giving the higher pay scale after 10-20 years of services.

2. On 24.01.2024, the following order was passed :-

“The grievance of the petitioner is that in the wake of judgment passed by this Court in CWP-11686 of 2004 – Haryana State Adhyapak Sangh v. State of Haryana and others – decided on 05.01.2021, wherein it has been held that the petitioner(s) therein are not entitled for the benefit of ACP Scheme, higher standard pay scale already granted to the petitioner is being withdrawn and recovery is being effected from the salary of the petitioner. However, no document has been placed on record to show that the benefit of higher standard pay scale already granted to the petitioner is being withdrawn.

Faced with this situation, learned counsel for the petitioner seeks time to place on record the necessary documents.

Adjourned to 9.2.2024.”

3. I have perused the file and there is no document on the file including the letter dated 28.04.2021 (Annexure P-17), on which the

reliance is being placed by learned counsel for the petitioner, that recovery may be effected from the petitioner. The said letter is dated 28.04.2021 and even after a lapse of about three years, no recovery has been ordered against the petitioner.

4. In view of the above, the present petition is dismissed, being premature.

12.03.2024

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No