



IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 105

Civil Writ Petition No.12632 of 2024

Date of Decision: July 15, 2024

Pooja Sharma

..... PETITIONER(S)

VERSUS

State of Haryana & others

..... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

PRESENT: - Mr. Ashwarya Bajaj, Advocate, for the petitioner.

Mr. R.S. Budhwar, Additional Advocate General,
Haryana.

Tribhuvan Dahiya, J (Oral)

The petition has been filed seeking a writ of *mandamus* directing the respondents to re-fix the petitioner's pay as Trained Graduate Teacher (TGT) in Grade Pay of ₹ 4,800 instead of ₹ 4,600, in view of notification dated 11.04.2012, Annexure P-5, issued by the Haryana Government whereby posts of teachers in the Classical & Vernacular (C&V) Cadre were converted to TGTs.

2. As per facts apparent on record, the petitioner, who had been working in the aided School/sixth respondent, was taken in Government service pursuant to the Haryana Voluntary State Education Service Rules, 2017 (in short, 'the 2017 Rules'), Annexure P-8. As per terms and conditions of appointment stipulated therein, it was to be a fresh appointment on the minimum of pay scale for the post. The employee's salary was, however, to be protected as a measure personal to him/her, which was not to be less than the salary already being drawn. By a later notification dated 18.08.2021,



Annexure P-3, it was decided that past service rendered by the employees was to be counted only for pensionary benefits, and not for any other purpose.

3. The petitioner’s claim for grant of Grade Pay of ₹ 4,800 is based on notification dated 11.04.2012, Annexure P-5, issued by the School Education Department, whereby the Classical & Vernacular (C&V) Cadre posts, consisting of Sanskrit, Hindi, Punjabi, Physical Training Instructors, Art & Craft Teachers, etc. governed by the Haryana State Education School Cadre (Group-C) Service Rules, 1998, were converted to TGT in the relevant subjects. The notification concerns conversion of existing C & V posts as TGT, and has no bearing on the petitioner’s appointment or grant of grade pay to her. She was appointed in the Department pursuant to office order dated 08.02.2018, Annexure P-4, under 2017 Rules. Her service is governed by the conditions stipulated therein, that on appointment pay will be fixed in the minimum of pay scale and previous service will only be counted for pensionary benefits. Accordingly, she is not entitled to seek higher grade pay by referring to the service already rendered prior to joining the Department.

4. Dismissed in *limine*.

(Tribhuvan Dahiya)
Judge

July 15, 2024
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No