



CWP-24019-2017

1

**214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CWP-24019-2017****Date of Decision: 08.05.2024****ANAND PARKASH AND ORS****...Petitioners****Vs.****STATE OF HARYANA AND ANOTHER****...Respondents****CORAM:- HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. Subhash Ahuja, Advocate
for the petitioners.

Mr. Ravi Partap Singh, DAG, Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

With the consent of the parties, the petition is taken up for hearing on merits today itself.

2. The petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to issue modified speaking orders directing the release of total arrears with interest at the rate of six percent per annum to the petitioners, as have been given to their counter-parts vide separate speaking orders passed by the respondents in terms of judgment of this Court in CWP-11254-2010 titled *Neelam Rani v. State of Haryana and others*, decided on 15.05.2013.

3. The petitioners, who are serving in the Department as JBT teachers, raised a claim for grant of higher pay as had been granted to their juniors who were appointed in service after 01.01.2006. The claim was based on the law laid down by this Court in *Neelam Rani* case (*supra*). Accepting the contentions raised on their behalf, this Court vide order dated 08.09.2016, Annexure P-14, directed the respondents to pass a speaking order on the representations filed by the petitioners claiming higher pay. The representations were accordingly decided, vide impugned



orders dated 21.11.2017 and 30.10.2017, accepting that the claim was maintainable to the extent of their entitlement to pay at par with their juniors', subject to outcome of the appeal filed by the Department against *Neelam Rani* case (*supra*). It is not disputed at the bar that both, the LPA as well as SLP filed by the State against the said case already stand dismissed.

4. In these circumstances, the only contention raised by the learned counsel for the petitioners is that while passing the impugned orders, the respondents have not given interest at the rate of six percent per annum to the petitioners on the arrears released to them after stepping up of pay equivalent to that of their juniors. It is contrary to the directions issued by this Court in *Neelam Rani* case (*supra*). Besides, he has also referred to cases of other teachers who are similarly placed as the petitioners, which were also decided in terms of the *Neelam Rani* case (*supra*) vide two separate orders dated 19.07.2017, Annexure P-17, wherein the arrears were paid to the employees along with interest at the rate of six per cent. Accordingly, on ground of parity also, the petitioners' claim deserves to be accepted.

5. Learned State counsel, on the contrary, contends that the petitioners are not entitled to the same rate of interest because Finance Department had issued instructions, dated 13.02.2018, to the effect that only the employees who have been given arrears for thirty eight months, would be entitled to payment of interest thereupon. Accordingly, the petitioners' claim is not maintainable. He, however, does not dispute the facts recorded in the submissions of learned counsel for the petitioners.

6. Heard.

7. It is not disputed that the petitioners' claim for grant of higher pay scale equivalent of that of the juniors was decided by the respondents in the light of directions issued by this Court while deciding *Neelam Rani* case (*supra*). The directions issued were as under:



2. It could be no consolation for petitioner to be informed that the Government has proposed to take same action for adjusting all the additional pay which were being given to the juniors sometime in future. The petitioner is entitled to be stepped up in pay, an amount which the juniors were drawing so that her salary does not fall short of the salary which is earned by her juniors. The amount to be paid in excess over what is being received by the petitioner shall be calculated from 01.07.2009 to 30.06.2013. The exercise shall be undertaken within a period of 8 weeks from the date of receipt of copy of this order and amount shall be paid to the petitioner with at the rate of six percent.

8. Apparently, the petitioners were entitled to step-up of pay equivalent to that of their juniors, and the amount of arrears was ordered to be released along with interest at the rate of six percent per annum. In compliance of the directions, the respondents have already released the arrears with interest at the rate of six percent per annum to few other employees, as apparent from office order dated 19.07.2017 passed in their cases. There is no justification to apply different standards while deciding the petitioner's case. Their reliance upon the government instructions, dated 13.02.2018, to deny the claim of interest is also not sustainable since the instructions have been issued after the directions in *Neelam Rani* case (*supra*).

9. In view thereof, the petition is allowed and the impugned order, dated 15.05.2013, is set aside. The respondents are directed to pay the petitioners due amount of interest at the rate of six percent per annum from the due date to the date of actual payment on the arrears already released, within a period of four weeks from receiving a certified copy of the order.

(TRIBHUVAN DAHIYA)
(JUDGE)

08.05.2024

kv