



CWP-26187-2017

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

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CWP-26187-2017

Date of Decision: 28.11.2024

Indu Sachdeva

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. C.L. Sharma, Advocate for the petitioner

Mr. Harish Rathee, Sr. DAG, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to pay up to date salary for thirty-four months amounting to ₹11,54,822 along with interest.

2. Learned counsel for the petitioner has contended that prior to joining government service in terms of Haryana Voluntary State Education Service Rules, 2017 (for short, 'the 2017 Rules'), the petitioner was serving as JBT Teacher in respondent no.4/Hindu Girls Senior Secondary School, Kalka, Panchkula. The School was, however, closed down in April, 2018, and the staff working on aided posts, including the petitioner, were taken over in Government service and transferred to various Government schools. The School Management resigned, and the entire School record, including its Bank

account, were placed under the control of Administrator/SDM, Kalka,



Panchkula. On completion of one year tenure, the Administrator handed-over the charge as well as the record to Principal, Government Senior Secondary School, Kalka, as per instructions from the third respondent/District Elementary Education Officer. Since the School account is under the control of third respondent which has sufficient balance, the petitioner's pending salary for the service rendered in the closed down School should be paid out of those funds as the School Management is not in existence.

3. Learned State counsel, on the contrary, has contended that the claim raised by the petitioner is not maintainable since she was taken in government service under the 2017 Rules on certain terms and conditions which were agreed to by her and incorporated in an affidavit, dated 24.08.2017. She undertook not to claim any benefit in any manner for the past service rendered in the aided School after taking-over of her services by the Government. The affidavit is in the following terms:

I, Indu Sachdeva, son/daughter/wife of Sh. Deepak Sachdeva age 44 years working on the post of J.B.T. in the H.G.S.S.S. KLK, after having read and understood various clauses of the Haryana Voluntary Education Service Rules, 2017 for taking over the staff of Aided Schools working against sanctioned/aided posts, hereinafter referred to as the said rules. I, do hereby undertake and state as under: -

1. That the post on which I am presently working is a sanctioned and aided post.
2. That I desire to be appointed in the Government service in accordance with the terms and conditions mentioned in these rules and I declare that I shall abide the conditions of the said rules.



3. That I am willing to work as fresh appointee, on regular basis on minimum of the pay band and grade pay of the post, if my salary is protected as a measure personal to me. I will not claim any seniority, pensionary and leave benefits from the Government in lieu of the services rendered in Aided Schools prior to my appointment to the Service. Thus, I agree to accept the salary which will be fixed in accordance with the rules.
4. That I will not claim any benefits in any way for the past services rendered in Aided School after taking over my services.
5. That after taking over my services, I am willing to serve anywhere in Haryana, as per the requirement of the School Education Department.
6. That I shall not make any claim for payment of any previous liabilities on any account whatsoever, including arrears of salary, selection grade, ACP etc. for the period prior to my joining in the Government service under the relevant Service Rules.
7. That I shall not make any claim from Government for payment of any Contributory Provident Fund contribution if not deposited by the Aided Schools for the period prior to the date of my joining in Government service.

Accordingly, the petitioner's claim cannot be entertained.

4. Heard.

5. It is undisputed on record that the petitioner, after rendering service in the respondent aided school, was taken-over in Government service in terms of the 2017 Rules. At the time of entering into service she undertook not to raise any claim for payment of any previous liabilities on any account



whatsoever against the Government/respondents no.1 to 3. Still, she preferred the instant petition raising the claim of previous liabilities/salary, and seeking a direction to these respondents to make payment of arrears of salary for the service rendered by her under the Management prior to joining Government service. This is in violation of the undertaking given by her at the time of entering service and, therefore, the claim is unsustainable.

6. The petition accordingly stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

28.11.2024
Payal/Maninder

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>