

[124] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-26996-2023

Date of Decision :01.12.2023

Alka Rani ...Petitioner

versus

State of Punjab and othersRespondents

Coram : **HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**

Present : Ms. R.K. Grewal, Advocate
for the petitioner.

Ms. Shivani Sharma, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J. (ORAL)

[1] The petitioner has filed this writ petition praying for granting of benefits of pay fixation from the date she was appointed as a Teaching Fellow i.e. w.e.f. 15.11.2012 instead of the date of regularization i.e. 21.05.2015.

[2] Learned counsel submits that once the petitioner's services had been regularized from the date of joining i.e. 15.11.2012, the benefit of pay and allowances should also be extended from the same date. It is also submitted that in similar circumstances earlier the benefits were extended by the State Authorities from the date of regular appointment and in order to buttress the arguments, learned counsel has invited the attention to the document Annexure P/7 issued on 26.09.2012, whereby one Balbir Kaur, was regularized and granted pay and allowances from the date of her initial appointment i.e. 20.10.2010. Learned counsel submits that there are also similar writ petition pending before this Court.

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[4] Pendency of other writ petitions would not deter this Court from deciding the petition at the admission stage. The regularization of the petitioner was passed on a policy laid down by the Principal Secretary, Education Department, after holding a meeting with the concerned officials and it would be apposite to quote the order passed as under:-

“Hon’ble Principal Secretary, School Education, Punjab, held a meeting of concerned officials on 21.05.2015, keeping in view the Civil Writ Petition No.18275 of 2013, Maghar Singh vs. State of Punjab and many other such civil writ petitions filed by the candidates in the Hon’ble Punjab and Haryana High Court for the purpose of regularization of their services on the post of teaching fellows and it has been decided that the teaching fellows appointed after 01.04.2011 who could not be regularized are hereby regularized w.e.f. 21.05.2015, without giving any financial benefits from the back date. Before doing so, it be ensured that they fulfill all the conditions contained in the agreement of recruitment of teaching fellow.”

[5] Whereafter the petitioner who had not filed any writ petition before this Court was given benefit of orders passed in favour of others. All persons who were granted the benefit of order dated 25.05.2015, were thus bound by the conditions laid down therein i.e. they shall be regularized w.e.f. 21.05.2015, without giving any financial benefit from the back date. The petitioner too was regularized w.e.f. 21.05.2015, although was appointed prior to the same. Thus from the date when the petitioner was regularized, benefits have been extended to him. Claim for benefits prior to the date of regularization, therefore, is not admissible. In the case of Balbir Kaur’s (supra) also it is noticed that the regularization was w.e.f. the earlier date on 20.10.2010, and, therefore, pay fixation was done from the said date.

The principal which emerges is that pay scale shall be admissible only from the date of regularization.

[6] In view thereof, the writ petition fails and the same is dismissed accordingly.

[7] All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

01.12.2023
'Rajneesh'

Whether speaking/ reasoned : Yes/No
Whether reportable : Yes/No