



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

122

CWP-33938-2024

Date of Decision: 17.12.2024

RADHE SHYAM AND OTHERS

...Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Sunny Singla, Advocate
for the petitioners.

Mr. R. S. Budhwar, Addl. A. G., Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order dated 28.10.2024, Annexure P-7, whereby the petitioners' claim for emoluments against the post of Principal/Headmaster has been rejected.

2. Learned counsel for the petitioners contended that the petitioners were assigned powers of Drawing and Disbursing Officers (DDOs) vested in the Principal/Headmaster, while they were working as Lecturer/Master in different schools during 2019, 2016 and 2017. Therefore, salary/emoluments meant for the post of Principal/Headmaster cannot be denied to them for the period they have performed duties as such. To claim the benefit, reliance has been placed upon a judgment rendered by this Court in CWP-4552-2003 titled *Darshan Singh and another v. State of Punjab and others*, dated 01.07.2010.

3. Learned State counsel, appearing on advance notice, contended that the claim was rightly been rejected, since the petitioners were never assigned duties for the post of Principal/Headmaster. They were only



authorised to draw and disburse money from the treasury as Drawing and Disbursing Officers. This does not entitle them to emoluments for the post of Principal/Headmaster.

4. Heard.

5. It is apparent on record that the petitioners have claimed emoluments meant for the post of Principal/Headmaster in different Schools for the period they worked as Drawing and Disbursing Officers on different dates; as mentioned in the impugned order dated 28.10.2024, as petitioner No.1 from 02.09.2019 to 12.10.2021; petitioner No.2 from 25.09.2016 to 31.05.2017, 02.11.2017 to 31.08.2019 and 16.01.2023 to 18.10.2024; and petitioner No.3 from 05.08.2017 to 22.08.2019, 23.08.2019 to 23.08.2021 and 28.12.2017 to 22.08.2019. It has been specifically mentioned in the impugned order that none of the petitioners was assigned the current duty charge as Principal/Headmaster during that period, they were only authorised to draw and disburse money from the treasury in the absence of regular Principal/Headmaster. Having not worked on the post nor having been assigned the current duty charge, the petitioners' claim for emoluments as Principal/Headmaster is not admissible. It is further apparent on record that all the petitioners had themselves given an undertaking to the Department that in case the power to discharge the functions of Drawing and Disbursing Officers is delegated to them, they would not claim any financial benefits or allowances in this regard. After giving the undertaking, they cannot be permitted to turn out and seek financial benefits as well as allowances for the period they discharged the duties as Drawing and Disbursing Officers in the Schools they were posted. Further, the claim has been raised after inordinate

Disbursing Officers is more than three years from now (except in case of petitioner No.2).

5.1 The reliance placed on the judgment in *Darshan Singh* case is also misplaced, since the petitioners therein were given emoluments meant for the post of Block Primary Education Officer for the period they had actually worked against the said post. This is not the case with the petitioners.

6. In view thereof, there is no ground to entertain the petition and it stands dismissed in *limine*.

(TRIBHUVAN DAHIYA)
JUDGE

17.12.2024
Ad

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