



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CWP-13604-2003

Decided On: 21.08.2025

CHANDER KANTA AND OTHERS

....PETITIONER(s)

Versus

STATE OF HARYANA AND OTHERS

....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Ravi Verma, Advocate for the petitioners.

Dr. Neha Awasthi, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA J.(Oral)

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the orders dated 31.03.2003, Annexures P-4 to P-6, whereby the petitioners' pay has been re-fixed and reduced to the scale in ₹5500-9000 from ₹6500-9900, which was given to them vide letter dated 16.03.2000, Annexure P-2.

2. As per averments, the petitioners' pay was fixed in the second ACP grade in terms of the Haryana Civil Services (Revised Pay) Rules, 1998, and the Haryana Civil Services (Assured Career Progression) Rules, 1998, on completion of ten years of regular service as Head Teacher. One such order dated 16.03.2000 pertaining to petitioner no.1 has been placed on record as Annexure P-2. However, the scale was later withdrawn by the Department vide impugned orders dated 31.03.2003, in terms of Government notification dated 18.07.2001, Annexure P-3.

3. Learned counsel for the petitioners contends that the issue has already been dealt with by this Court in CWP-4747-2002 titled *Sushila Devi*



and others v. State of Haryana and others, and connected cases, holding that the notification dated 18.07.2001 is not applicable to Head Teachers, who have been given the benefit of pay revision in terms of the 1998 Rules. The relevant paragraphs of the judgment read as under:

As per the above reproduced provisions of the pay scales with special reference to Annxure-A, there is no doubt that Head Teacher has been treated as an independent entity. Their appointment to the said post either by way of direct recruitment or by promotion is to be treated as the initial date of their holding that post. Had the intention been of the State not to grant benefit to the Head Teachers and grant it to JBT Teachers alone, the simple procedure, which was required to be followed by the respondents, was to delete the entry in the notification of Head Teacher and substitute it by JBT teacher, which has not been done. Rather what has been provided by the notification dated 18.07.2021 is that benefit of ACP Grade has been extended to the JBT Teachers which was not earlier granted to them. This notification would not be applicable to the petitioners, who are Head Teachers and thus, this subsequent notification does not affect the claim of the petitioners.

In view of the above, the impugned order cannot sustain and is hereby quashed. The writ petitions are allowed.

Appeal, LPA-769-2013, filed by the State against the judgment has already been dismissed by the Division Bench vide order dated 23.04.2013.

4. Learned State counsel is not in a position to dispute the facts aforementioned.

5. Since the issue raised in this petition already stands decided in the petitioners' favour vide judgment in *Sushila Devi* case, holding that the benefit given to the Head Teachers in terms of 1998 Rules cannot be withdrawn by referring to the notification dated 18.07.2001, the instant



petition is allowed, and the impugned orders dated 31.03.2003 are hereby set side. The respondents are directed to calculate and release all consequential benefits including arrears of pay as well as pensionary benefits to them with interest at the rate of seven per cent per annum from the due date to the date of actual payment. The directions shall be carried out by the respondents within four weeks of receiving a certified copy of the order.

21.08.2025
Ad

(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No