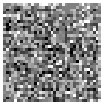


2025.PHHG.167829



108(79 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3472-2025
DECIDED ON:17.11.2025

DR. NEHA BANSAL
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

2. CWP-10047-2025

MADHU VERMA AND OTHERS
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

3. CWP-10262-2025

ANKIT DUHAN AND OTHERS
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

4. CWP-10318-2025

VED PARKASH AND OTHERS
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

5.

CWP-11403-2025

PRIYANKA SHARMA AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)
6.

CWP-11404-2025

JYOTI AND ANOTHER

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)
7.

CWP-11435-2025

KOMAL AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)
8.

CWP-11944-2025

AMIT GARG AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)
9.

CWP-12499-2025

POOJA AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

10. CWP-12552-2025

TULSI AND OTHERS
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

11. CWP-13259-2025

YOGENDER SINGH
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

12. CWP-13292-2025

VIKAS AND OTHERS
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
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13. CWP-13426-2025

AMITA BUDHIRAJA AND OTHERS
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

14. CWP-13916-2025

NARESH KUMAR AND OTHERS
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

15.

CWP-14393-2025

NEELAM AND ORS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

16.

CWP-14904-2025

SAPNA AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

17.

CWP-14908-2025

AARTI VASHISTHA AND OTHERS

.....PETITIONER(S)

VERSUS

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.....RESPONDENT(S)

18.

CWP-15500-2025

SUKHDEV SINGH AND ORS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

19.

CWP-15623-2025

SUNITA KUMARI AND OTHERS

.....PETITIONER(S)

VERSUS

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.....RESPONDENT(S)

20. CWP-15925-2025

MUNNI DEVI AND OTHERS
.....PETITIONER(S)

VERSUS

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.....RESPONDENT(S)

21. CWP-16069-2025

BHAVNESH KUMAR AND OTHERS
.....PETITIONER(S)

VERSUS

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.....RESPONDENT(S)

22. CWP-16149-2025

MOHIT AND OTHERS
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

23. CWP-16173-2025

JYOTI
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

24. CWP-16174-2025

AMZAD KHAN AND OTHERS
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

25. CWP-16214-2025

SUNIDHI VERMA AND ORS
.....PETITIONER(S)

VERSUS

STATE OF HARYANA THROUGH THE ADDITIONAL CHIEF
SECRETARY TO GOVERNMENT OF HARYANA AND ORS
.....RESPONDENT(S)

26. CWP-16313-2025

MANJU KUMARI AND ANOTHER
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

27. CWP-16335-2025

ASHU KUMAR AND OTHERS
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

28. CWP-16437-2025

HARKESH AND OTHERS
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

29. CWP-16460-2025

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VERSUS

STATE OF HARYANA AND OTHERS
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30. CWP-16467-2025

GURPREET SINGH
.....PETITIONER(S)

VERSUS

STATE OF HARYANA THROUGH ITS ADDITIONAL CHIEF
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31. CWP-16562-2025

PRIYANKA
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

32. CWP-16651-2025

VIJAYNDER AND ANOTHER
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

33. CWP-16816-2025

PALLAVI SHARMA AND OTHERS
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

34. CWP-16851-2025

MAMTA
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
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35. CWP-17082-2025

PAVAN KUMAR AND OTHERS
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

36. CWP-17588-2025

PRIYA HOODA AND OTHER
.....PETITIONER(S)

VERSUS

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.....RESPONDENT(S)

37. CWP-17635-2025

VIJENDER KUMAR AND OTHERS
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

38. CWP-18104-2025

GEETA RANI AND OTHERS
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

39. CWP-18435-2025

RITA RANI AND OTHERS
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

40. CWP-18540-2025

POONAM AND OTHERS
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

41. CWP-18963-2025

SANTOSH RANI AND OTHERS
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

42. CWP-19145-2025

SUMAN GUPTA
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

43. CWP-20230-2025

NISHA AND OTHERS
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

44. CWP-21810-2025

SANJAY KUMAR AND OTHERS
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

45.

CWP-21942-2025

ATUL KUMAR GIJWANI AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

46.

CWP-21963-2025

NARENDER BHARDWAJ AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

47.

CWP-23747-2025

SANTOSH YADAV AND OTHERS

.....PETITIONER(S)

VERSUS

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.....RESPONDENT(S)

48.

CWP-23901-2025

VARSHA AND ORS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

49.

CWP-24612-2025

GOVIND PANWAR AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

50.

CWP-25293-2025

BALWANT INDORA AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

51.

CWP-25355-2025

DEEPIKA AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

52.

CWP-25908-2025

PAVITRA YADAV AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

53.

CWP-26353-2025

NEHA ARORA AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

54.

CWP-27649-2025

RENU BALA AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

55.

CWP-28138-2025

RAJAT KUMAR PANDEY AND ORS

.....PETITIONER(S)

VERSUS

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.....RESPONDENT(S)

56.

CWP-28197-2025

NAVDEEP DANGI AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

57.

CWP-28422-2025

RITU AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

58.

CWP-30108-2025

KAMAL KANT

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

59.

CWP-30164-2025

VIKAS VERMA AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

60. CWP-31410-2025

JAI PRAKASHPETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERSRESPONDENT(S)

61. CWP-31605-2025

MANPREET KAUR AND ANOTHERPETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERSRESPONDENT(S)

62. CWP-32091-2025

MAJOR SINGH AND OTHERSPETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERSRESPONDENT(S)

63. CWP-32292-2025

MOHIT KUMARPETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERSRESPONDENT(S)

64. CWP-3477-2025

ARTI AND OTHERSPETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERSRESPONDENT(S)

65.

CWP-4920-2025

VIVEK JINDAL AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

66.

CWP-5548-2025

DR PAYAL KHANDELWAL AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

67.

CWP-6086-2025

SUPRIYA AND ANOTHER

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

68.

CWP-6261-2025

MEENA AND ANOTHER

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

69.

CWP-7064-2025

HEMANT YADAV AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

70.

CWP-7240-2025

SANEH

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)
71.

CWP-8103-2025

SAPNA AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)
72.

CWP-8234-2025

MANJU RANI AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)
73.

CWP-8281-2025

AMIT MALIK AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)
74.

CWP-8831-2025

SANJAY KUMAR AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

75. CWP-8849-2025

SURENDER SINGH AND OTHERS
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

76. CWP-8897-2025

RENU AND OTHERS
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

77. CWP-8996-2025

POOJA AND OTHERS
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

78. CWP-9074-2025

JYOTI DEVI
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. R.K. Malik, Sr. Advocate with
Mr. Kartikey Chaudhary,
for the petitioner(s)

Mr. Anurag Goyal, Sr. Advocate with
Mr. Nikhil Lather, Advocate
for the petitioner(s)

Mr. Kshitij Sharma, Sr. Advocate with
Mr. Shobhit Sharma, Mr. Tamanna Banwala, Advocate and
Mr. Pragun Goyal, Advocate for the petitioner(s)

Mr. Tejpal Singh Dhull, Advocate with
Ms. Sneha Jakhar, Advocate
for the petitioner(s)

Mr. Sarthak Gupta, Advocate and
Mr. Saurabh Gupta, Advocate
for the petitioner(s)

Mr. L.K. Narang, Advocate
for the petitioner(s)

Mr. Parminder Singh Ghotra, Advocate
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Mr. Chanakaya Batta, Advocate with
Mr. Prince Saini, Advocate
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Mr. Pradeep Bhukal, Advocate for
Mr. Kanhiya Soni, Advocate for
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Mr. Kushagra Goyal, Advocate,
Mr. Brijesh Kumar,
Mr. Vishesh Bhatia, Advocate
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Mr. Akash Mehra, Advocate
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Mr. R.S. Dhull, Advocate with
Mr. Navnit Sharma, Advocate
for the petitioner(s)

Mr. Lekh Raj Nandal, Advocate
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Mr. Shalender Mohan, Advocate
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Mr. Rupender Singh, Advocate
for the petitioner(s)

Mr. Nafeesh Ahmed, Advocate
for the petitioner(s)

Ms. Sneha Jakhar, Advocate
for the petitioner(s)

Mr. Kunal Phogat, Advocate
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Mr. Pardeep Sharma, Advocate
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Ms. Gurpreet Kaur Bhatti, Advocate
for the petitioner(s)

Mr. Nitin Bhanwala, Advocate
for the petitioner(s)

Mr. Vaibhav Sharma, Advocate
for the petitioner(s)

Mr. Shivam Sharma, Advocate and
Mr. Ashish Gupta, Advocate
for the petitioner(s)

Mr. Sanjeev Kumar, Advocate for
Mr. Ravi Malik, Advocate
for the petitioner(s)

Ms. Kriteka Sheokand, Advocate
for the petitioner(s)

Mr. Mahesh Inder Preet, Advocate for
Mr. Naresh Kaushik, Advocate
for the petitioner(s)

Mr. Naveen Sheokand, Advocate for
the petitioner(s) (through Hybrid Mode)

Mr. Deepak Balyan, Addl. AG. Haryana

SANDEEP MOUDGIL, J (ORAL)

1. This Court shall dispose off all the above-said petitions, as common question of law involved therein.
2. Just to avoid repetition, the facts are being taken from CWP-3472-2025.

Prayer

3. The jurisdiction of this Court has been invoked under Articles 226/227 of the Constitution of India with a prayer to issue an appropriate writ, order or direction quashing order/letter dated 27.06.2024 (P-11) issued by respondent no. 2 whereby in a completely illegal, arbitrary manner and without their being any basis for the said impugned action and further without any authority or jurisdiction, the respondent no. 2 has issued directions to freeze the benefits as admissible to petitioners under the State Health Mission Service Bye-laws 2018, as issued and notified by respondent Health Mission under which the petitioners have been held entitled to the benefit of pay fixation and further directions has been issued to withdraw benefits granted after dates 27.06.2024 thus, reducing/re-fixing the monthly salaries of all petitioners, without any opportunity of hearing and without any show cause notice with a further prayer to set aside the letter dated 27.11.2024 (Annexure P-13), 09.01.2025 and 17.01.2025 (Annexures P-14 and P-15) issued by respondent/Health Mission, whereby in furtherance of above-said order/letter dated 27.06.2025, the benefits under Service Bye-laws 2018 have been directed to be stayed till further decision and further benefits granted after 27.06.2024 have been ordered to be withdrawn and further recovery has been ordered.

Brief Facts

4. The petitioners are contractual employees engaged under the State/National Health Mission, Haryana, who received their service conditions and pay structure under the Service Bye-laws, 2018, approved by the Governing Body of the Mission. For several years, the petitioners received salaries, allowances, and benefits, including pay fixation under the 6th Pay Commission pattern, without any objection from the Finance Department.

5. Subsequently, the Finance Department issued a series of communications directing the freezing of benefits, withdrawal of pay fixation, and recovery of amounts already disbursed, contending that necessary approvals and concurrence had not been obtained.

6. The petitioners challenged these actions, contending that the Bye-laws were validly approved, that the benefits had been lawfully paid for years, and that the impugned orders were arbitrary, violated principles of natural justice, and infringed their vested rights.

7. The matter came before the Court seeking quashing of the impugned orders and restoration of all benefits already granted.

Contentions

On behalf of Petitioner

8. Learned counsel for the petitioners contended that the State Health Society, Haryana, is a State-controlled autonomous body registered under the Haryana Registration and Regulation of Societies Act, 2012. Its Governing Body and Executive Committee are chaired by senior State officials, including the Chief Secretary and the Financial Commissioner & Principal Secretary, Haryana. Accordingly, all actions and decisions taken by the Society, including those relating to the petitioners, are effectively State actions and fall within the administrative control of the State Government.

9. It is contended that the petitioners had been engaged under the National Health Mission (NHM) on purely contractual terms, initially appointed as District Program Managers, Block Program Managers, and similar posts under the operational framework of the NHM.

10. Learned counsel for the petitioners contended that although their appointments were contractual in nature, they were governed by the Service Bye-laws, 2018, issued by the State Health Society vide powers delegated by its Governing Body. Once approved by the Governing Body of the State Health Mission, headed by the Chief Secretary, these Bye-laws constituted a binding framework under which the petitioners had entered service. The appointment letters issued to the petitioners expressly referred to these Bye-laws, thereby incorporating them into the terms of their contractual employment. The petitioners had been drawing salaries in accordance with the Bye-laws for several years, and their service terms and financial entitlements were therefore fully regulated by this approved framework.

11. Learned counsel emphasized that the Finance Department (Respondent No. 2) was fully aware of and actively participated in the approval process of these Bye-laws, including granting financial concurrence at multiple stages and releasing additional funds for the purpose.

12. It is further contended that the petitioners were lawfully granted the benefits of the 6th Pay Commission in accordance with the Service Bye-laws 2018, and all financial implications, including the additional grant of Rs. 60 crores for salaries, had been sanctioned and released with full knowledge and approval of the Finance Department.

13. In light of this, it was submitted that the Finance Department cannot, at this belated stage, allege lack of concurrence or seek to revoke the benefits already granted to the petitioners.

14. Learned counsel prayed that the impugned actions withholding or seeking recovery of these benefits be quashed, and the petitioners be allowed to continue to enjoy the benefits conferred under the Service Bye-laws 2018.

15. In support of their arguments the petitioners have relied upon the judgement rendered by the Apex Court in the case titled as “*The State Of Jharkhand and others vs Brahmputra Metalics Limited and Another 2020 SCC Online SC 968*” and “*Sivanandan C.T. vs High Court Of Kerala 2023(5) KHC 347*” to argue principle of legitimate expectation and procedural fairness.

On behalf of Respondents

16. Learned counsel for the respondents submitted that the present petition is not maintainable against Respondent No. 2, the Additional Chief Secretary to Government of Haryana, Finance Department, as the petitioners have not demonstrated any violation of their legal or fundamental rights, and therefore, no cause of action or locus standi exists to invoke the extraordinary writ jurisdiction of this Court. It was further contended that the National Health Mission (NHM) is a centrally sponsored scheme, implemented jointly by the Government of India and the State Government with a fixed fund-sharing ratio, and that the petitioners’ services are project-specific, contractual, and co-terminus with the scheme. The petitioners cannot claim any right to regularization or pay parity with State Government employees, as their appointments were explicitly on a fixed-term, consolidated salary basis, with no assurances or promises of permanent employment, and the terms of engagement clearly disallow claims to government-scale pay.

17. It was submitted that the Service Bye-laws, 2018, while implemented by the NHM, were done so without obtaining all necessary approvals from the

competent authorities, including the Chief Secretary's office, Legal Remembrance Department, and Council of Ministers, as advised by the Finance Department. The Finance Department had only given conditional concurrence for granting remuneration/pay-scales under the 6th Pay Commission on the pattern of Sarva Shiksha Abhiyaan, and any deviation from these conditions rendered the implementation irregular. Consequently, the subsequent freezing of benefits under the Service Bye-laws by the Finance Department vide U.O. No. 1/49/2022-1FDII/18137 dated 27.06.2024 is justified to ensure compliance with proper financial procedures.

18. It was further submitted that the NHM is a body corporate, registered under the Haryana Registration and Regulation of Societies Act, 2012, and while the State Government has representation in its Governing Body, the Society functions as an autonomous entity with perpetual succession. Even if any benefits were granted under the Service Bye-laws, such benefits do not confer vested rights or entitlement to future payments at par with State Government employees, as the Bye-laws themselves have no statutory backing and were implemented irregularly.

19. Counsel for the respondents also highlighted the critical role of the Finance Department as the custodian of the State's finances, mandated to ensure that proposals involving recurring expenditure or new financial liabilities are examined with reference to the State's fiscal capacity. The conditional concurrence previously given was rightly withdrawn upon discovery of non-compliance with stipulated conditions, thereby preventing the State exchequer from being burdened with unsustainable financial liabilities. Freezing the benefits under the Service Bye-laws is a necessary and reasonable step in fiscal management and does not

violate any legal or statutory provisions thus petition is therefore liable to be dismissed.

20. In support of the arguments the State Counsel has relied upon the judgment of the Apex Court rendered in the case of 'State of Haryana and anr. vs. Haryana Civil Secretariat Personal Staff Association' 2002(3) ALL MR 932, to argue that equal pay for equal work is not a fundamental right to be asked for and it depends upon the administrative decisions.

Analysis

21. This Court is now called upon to determine whether the State/Finance Department having allowed the Service Bye-laws, 2018 to operate for years, sanctioned funds, approved financial liabilities, and permitted NHM contractual employees to draw 6th Pay Commission benefits can at this stage freeze, withdraw, or recover such benefits on the plea of lack of concurrence, despite the Bye-laws having been approved by the Chief-Secretary headed Governing Body, and whether such reversal violates the doctrines of estoppel and legitimate expectation.

22. On careful consideration of the rival submissions and the material placed on record, this Court is of the opinion that the petitioners were appointed strictly in accordance with the Service Bye-laws, 2018,(Annexure P-5) which were duly approved by the Governing Body of the State Health Mission, chaired by none other than the Chief Secretary to the Government of Haryana.

23. Once the competent Governing Body approved the Bye-laws and the appointments were issued with specific reference to those Bye-laws, the petitioners entered service under a binding regulatory framework created by the State itself. For several years thereafter, the State Health Society, acting under the administrative umbrella of the Government, implemented the Bye-laws in full

measure, including fixation of pay and grant of 6th Pay Commission benefits. The Finance Department not only remained aware of this implementation but also repeatedly released funds, granted financial sanctions, and permitted enhanced salary liabilities, including the release of an additional amount of Rs. 60 crores. (Annexure P-3). Therefore, it does not lie in the mouth of the Finance Department, at this belated stage, to allege absence of concurrence or to freeze the benefits granted in pursuance of a duly approved statutory framework and any such attempt is prima facie arbitrary. Thus, the action of the respondents freezing the benefits as directed vide impugned order/letter dated 27.06.2024 (Annexure P-11) is unsustainable in law.

24. In such circumstances, the respondents are clearly barred by the doctrine of estoppel, as the petitioners altered their position and structured their employment rights based on the Bye-laws approved and acted upon by the State machinery itself. Once the State has consciously adopted a set of rules, implemented them for years, and derived administrative benefit from them, it cannot subsequently claim that the same were never validly approved merely because financial repercussions are now being realized.

25. Further, the argument that concurrence of the Finance Department-respondent No.2 being represented by Additional Chief Secretary was not obtained is also unsustainable. As the Chief Secretary heads the Governing body of the State Health Society and approval granted in that capacity is deemed approval by the highest executive authority of the State Health Mission. The State cannot now argue that such decision was not in its knowledge. Once the Chief Secretary as Chairperson of the Governing Body of respondent No.4 sanctioned Bye-laws, and the Finance Department having consistently acted upon such decision through fund releasing and administrative clearances, the plea of lack of concurrence is

nothing but an after-thought. Administrative law does not permit the State to disown its own acts after implementing them for years.

26. The petitioners' case is further supported by the doctrine of legitimate expectation, as the consistent, uninterrupted implementation of the Bye-laws for several years created a reasonable, legitimate basis for contractual employees to expect continuity of their pay structure and service conditions. The Supreme Court in ***Brahmputra Metallica Ltd.(supra)*** held that legitimate expectation arises when a public authority, through its conduct, representations, or past practice, creates an expectation of consistent treatment, and that abrupt reversal without justifiable reasons amounts to arbitrariness violating Article 14 of Constitution of India. Similarly, in ***Sivanandan C.T. (supra)*** the apex Court reiterated that where a public authority has consistently acted in a manner inducing reliance, fairness demands that expectations so created cannot be defeated without following due process and giving compelling reasons.

27. The contention that NHM employees cannot claim parity with State Government employees or counterparts under similar missions is equally untenable. The record shows that the pattern adopted was the same as that of Sarva Shiksha Abhiyan, and having consciously adopted and implemented that pattern for NHM employees as well, the State cannot now discriminate without rational basis. Administrative consistency is an essential facet of Article 14, and deviation without justification cannot be sustained. Though the employees are contractual but this cannot defeat the petitioners' rights under the administrative law doctrines applicable to all public authorities.

28. The petitioners are not seeking regularization; they are merely seeking enforcement of the very Bye-laws under which they were hired and paid

for years. Even if the posts are contractual, the service conditions governing contractual employment cannot be altered arbitrarily, especially after prolonged implementation and consistent reaffirmation by the State itself.

29. Dependence can be placed upon in the case of **“Asha Sharma v. Chandigarh Administration 2011 (4) SCT 715”** wherein the court has held as under

22. As already noticed, fairness in State action is the essence of proper governance. Where the authorities exercise their powers under the rules, they are expected to exercise the discretion vested in them fairly and with the intention to attain a balance between exercise of discretionary power and the larger public interest sought to be achieved by such discretion. Arbitrariness or irresponsible exercise of the power vested in the authorities, has been a matter of great concern before the courts.

30. The respondents’ reliance on **Haryana Civil Secretariat Personal Staff Association (supra)** to contend that “equal pay for equal work” is not a fundamental right is misplaced, as the petitioners are not seeking parity with Government employees; they only seek continuity of the pay structure already granted under validly approved Bye-laws. The very spirit of the service jurisprudence is that once the benefits were granted to the employees that too as per law governing their service condition, the same cannot be withdrawn to their disadvantage. Accordingly, the petitioners are held entitled to be pay fixation as per bye-laws, 2018 having their legitimate rights.

31. Further, legal position on recovery of benefits, even when granted erroneously, is now well-settled. The Supreme Court has categorically held that the question of recovery is governed not by rigid rights, but by equitable principles and the avoidance of iniquitous and arbitrary outcomes.

32. In *Syed Abdul Qadir v. State of Bihar, (2009) 3 SCC 475*, the Supreme Court observed in para 27 as under:

27. This Court, in a catena of decisions, has granted relief against recovery of excess payment of emoluments/allowances if (a) the excess amount was not paid on account of any misrepresentation or fraud on the part of the employee and (b) if such excess payment was made by the employer by applying a wrong principle for calculating the pay/allowance or on the basis of a particular interpretation of rule/order, which is subsequently found to be erroneous. The relief against recovery is granted by courts not because of any right in the employees, but in equity, exercising judicial discretion to relieve the employees from the hardship that will be caused if recovery is ordered. But, if in a given case, it is proved that the employee had knowledge that the payment received was in excess of what was due or wrongly paid, or in cases where the error is detected or corrected within a short time of wrong payment, the matter being in the realm of judicial discretion, courts may, on the facts and circumstances of any particular case, order for recovery of the amount paid in excess.

33. Lately the Apex court has reiterated the above said principle in the case of “*Thomas Daneil Vs. State Of Kerela 2022 INSC 498*” wherein it was held

“13. In State of Punjab and Others v. Rafiq Masih (White Washer) and Others, (2015) 4 SCC 334 wherein this court examined the validity of an order passed by the State to recover the monetary gains wrongly extended to the beneficiary employees in excess of their entitlements without any fault or misrepresentation at the behest of the recipient. This Court considered situations of hardship caused to an employee, if recovery is directed to reimburse the employer and disallowed the same, exempting the beneficiary employees from such recovery. It was held thus:

"8. As between two parties, if a determination is rendered in favour of the party, which is the weaker of the two, without any serious detriment to the other (which is truly a welfare State), the issue resolved would be in consonance with the concept of justice, which is assured to the citizens of India, even in the Preamble of the Constitution of India. The right to recover being pursued by the employer, will have to be compared, with the effect of the recovery on the employee concerned. If the effect of the recovery from the employee concerned would be, more unfair, more wrongful, more improper, and more unwarranted, than the corresponding right of the employer to recover the amount, then it would be iniquitous and arbitrary, to effect the recovery. In such a situation, the employee's right would outbalance, and therefore eclipse, the right of the employer to recover.

xxx xxx xxx

18. It is not possible to postulate all situations of hardship which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement.

Be that as it may, based on the decisions referred to hereinabove, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law:

- (i) Recovery from the employees belonging to Class III and Class IV service (or Group C and Group D service).*
- (ii) Recovery from the retired employees, or the employees who are due to retire within one year, of the order of recovery.*
- (iii) Recovery from the employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.*
- (iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.*
- (v) In any other case, where the court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover."*

14. Coming to the facts of the present case, it is not contended before us that on account of the misrepresentation or fraud played by the appellant, the excess amounts have been paid. The appellant has retired on 31.03.1999. In fact, the case of the respondents is that excess payment was made due to a mistake in interpreting Kerala Service Rules which was subsequently pointed out by the Accountant General."

34. The Supreme Court further clarified that when excess payment is detected after a long duration, recovery becomes arbitrary, thereby violating Article 14 of the Constitution.

35. The above-discussion flows from the fundamental principle that a government employee, who structures his life around his wages, cannot be burdened with repayments that would cause severe financial distress.

36. Otherwise, in the case in hand, once the petitioners are held entitled to pay fixation as per the bye-laws, 2018, the question of recovery in any manner would not arise. The action of the respondents to withdraw or recover the benefits already granted is hereby set aside. The petitioners cannot be penalised for the procedural and technical failure of the administrative approvals in the circumstances involved in this bunch of writ petitions.

Conclusion

37. Based on the preceding discussion, this Court concludes that the respondents' action of freezing and withdrawing benefits, as outlined in the impugned order/letter dated 27.06.2024 (Annexure P-11), is arbitrary and legally unsustainable and is thus set aside.

38. Considering that the action in question is hereby set aside as being contrary to the doctrines of estoppel and legitimate expectation, and in violation of the principles of fairness and non-arbitrariness enshrined under Article 14 of the Constitution of India, any amount already recovered from the petitioners shall be refunded, together with interest at the rate of 6% per annum, calculated from the date of recovery until the date of its actual realization.

39. Accordingly, the bunch of civil writ petitions are hereby allowed.

40. Pending applications if any, stand disposed of.

17.11.2025

Anuradha/Meenu

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No