



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

Sr. No.210

CWP-17977-2001 (O&M)
Date of Decision: 16.09.2025

Subhash Chand

.... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. G.S. Bajwa, Advocate, and
Mr. Vikas Chatrath, Advocate, for the petitioner.

Mr. Amit Sahni, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order dated 18.04.2001, Annexure P-3, to the extent that the petitioner has been held entitled only to the benefit of seniority, and not to the arrears as well as fixation of pay above that of his junior. Further, a writ of *mandamus* has been sought directing the respondents to grant the arrears of pay for the period he has not been allowed to join the Department due to lapse on the part of official respondents.

2. Learned counsel for the petitioner have contended that the petitioner has wrongly been denied the benefit of pay fixation as well as arrears from the date of his regular appointment as Lecturer in English under Backward Class (BC) category, that is, from 15.12.1993. Once he was to be given the appointment from that date, the consequential benefits therefrom could not have been denied. There is no reason cited in the impugned order for giving only the benefit of seniority by excluding that of pay fixation and arrears from the date of appointment.



3. Learned State counsel has disputed the claim by referring to the written statement which is to the effect that pursuant to the directions issued by this Court in CWP No.6248 of 1994 vide order dated 09.11.1996, and in response to representation dated 04.07.1997, the petitioner was offered *ad hoc* appointment vide office order dated 19.09.1997, Annexure P-1. This was challenged by filing a writ petition, CWP No.256 of 2001, which was disposed of vide order dated 09.01.2001, Annexure P-2, directing the respondents to consider and decide representation of the petitioner, dated 16.02.2000, within three months. The decision on the representation was taken vide impugned order, dated 18.04.2001, giving him regular appointment on the post under BC category with effect from 15.12.1993, but restricting the consequential benefits only to grant of seniority. However, he does not dispute that no reasons have been cited by the respondents either in the written statement or in the impugned order for restricting the benefits.

4. Submissions advanced by learned counsel for the parties have been considered.

5. It is a conceded position on record that the respondents have themselves offered regular appointment to the petitioner as Lecturer in English under BC category with effect from 15.12.1993, by correcting the earlier mistake of considering him for appointment on *ad hoc* basis under General category instead of BC category. The impugned order itself records the fact, which is to the following effect:

In pursuance to the above directions of the Hon'ble High Court, I have called for the record of the case and after perusing the same, it has been found that Sh. Subhash Chander S/o Sh. Sher Singh made a representation dated 16.02.2000 through his counsel to appoint him as Lecturer in English on regular basis in B.C. Male category as he had applied in B.C. category. Whereas he was wrongly considered/selected in General category on *ad hoc* basis at merit No. 62. Instead of B.C.



category by the departmental Selection Committee. he has further stated that if there was no scope for giving appointment on regular basis to him in the General category, then he was entitled to get appointment in B.C. category as he had secured 37 marks i.e. more than the marks obtained by the last selected two candidates Sarv Sh. Baldev Singh and Lakshmi Narayan of B.C. category who obtained 35 & 33 marks respectively. Hence he was entitled to get regular appointment as Lecturer in English in B.C. category w.e.f. the date his junior candidates were appointed.

After considering his representation it has been found that he is entitled to get regular appointment in B.C. category w.e.f. 15.12.93 from the date his junior were appointed and placed at No. 9-A in the merit list of B.C. category. Accordingly Sh. Subhash Chand S/o Sh. Sher Singh R/o Jammu Colony-B Camp Yamuna Nagar is hereby appointed as Lecturer in English in Govt. Senior Secondary School Saran (Yamuna Nagar) in B.C. category at Merit No. 9-A on purely provisional basis in Haryana Education Services Non-Gazetted class-III School Cadre Men Branch w.e.f. 15.12.93 in the grade of Rs. 2000-3500/- (pre-revised) subsequent grade Rs. 6500/10500 w.e.f. 01.01.96 plus usual allowances as sanctioned by the Haryana Govt. from time to time on the following terms and conditions. He will be entitled to get the benefit of seniority only.

6. Once it is not contested that the petitioner is entitled to regular appointment from 15.12.1993, and the same has been given to him as well vide the impugned order, there is no justification to deny him the consequential service benefits of pay fixation based thereupon. The respondents themselves could not come up with any reason or explanation for not granting these benefits. The petitioner was, undisputedly, working as Lecturer on *ad hoc* basis in the Department with effect from 19.09.1997. However, there is no clarity on record as to what his status was between 15.12.1993 to 19.09.1997. Accordingly, this Court finds no justification to give him arrears of salary for that period. Since he has been given regular



appointment with effect from 15.12.1993, he is held entitled to all service benefits from that date, except payment of salary from 15.12.1993 up to 19.09.1997, along with interest at the rate of six per cent per annum from the due date till the date of actual payment. However, the salary and allowances he has already drawn while working on *ad hoc* basis from 19.09.1997 to the date of passing of impugned order, i.e., 18.04.2001, granting him regular appointment with effect from 15.12.1993, will be set off against the arrears payable to him in terms of this order. These directions are to be carried out within three months of receiving a certified copy of this order.

7. The petition stands disposed of in the aforesaid terms.
8. Pending miscellaneous application(s), if any, also stand(s) disposed of.

(TRIBHUVAN DAHIYA)
JUDGE

16.09.2025

Maninder

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