

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

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2025:PHHC:057053



CWP-1893-2000 (O&M).
Date of Decision: 01.05.2025.

VEENA SEHGAL

... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Akash Sharma, Advocate,
for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

CM-17863-2000; CM-17864-2000 and CM-17865-2000.

Applications are allowed as prayed for subject to all just exceptions.

Replication along with accompanying Annexures P-25 and P-26 are taken on record.

The Registry is directed to tag the same at an appropriate place.

CM-3187-2000; CM-3188-2000;
CM-32048-2002; CM-32049-2002;
CM-9464-CWP-2012

Applications are allowed as prayed for subject to all just exceptions.

Annexures are taken on record.

CM-32050-2002

Since the main case itself has been decided, present application seeking early hearing is disposed of as having been rendered infructuous.

CM-5548-2000

Since the main case itself has been decided, present application seeking interim relief is disposed of as having been rendered infructuous.

Main case

Aggrieved of the order dated 26.11.1999 passed by the Secretary, Development and Panchayat Department, upholding the order dated 28.07.1999 passed by the Principal of the State Community Development Training Centre, Nilokheri declining the representation submitted by the petitioner for redesignation as an Instructress and the consequential promotion, the instant writ petition has been filed.

2 Learned counsel appearing on behalf of the petitioner submits that a letter dated 22.01.1979 was circulated by the Assistant Director, Haryana Agricultural University, Hisar, intimating that respondent No.1 was keen to fill up two posts of instructress in the State Community Development Training Centre, Nilokheri and applications were invited from the qualified candidates possessing the eligibility conditions as prescribed thereunder. The petitioner assumed that pay scales of the post of Instructor, Home Science

and Extension and Junior Instructress Personal Hygiene, Home Nursing and Family Planning were equivalent. It is averred that since the post of Lecturer Junior Grade and Lecturer Sr. Grade were merged w.e.f. 01.01.1973 on the recommendation of University Grants Commission in the year 1976, the pay scales of both the posts became equivalent. Hence, a Civil Writ Petition No.11400 of 1999 was filed by the petitioner before this Court which was disposed of vide order dated 17.08.1999 directing the respondents to take a decision on the representation dated 08.03.1999 submitted by her. The same was considered by the Financial Commissioner, Secretary to the Govt. of Haryana, Department of Development and Panchayats and it was noticed that the pay scale of the junior instructress of State Community Development Training Centre, Nilokheri was Rs.600-1100 w.e.f. 01.04.1979 which was revised by the Government to Rs.1400-2600 w.e.f. 01.01.1986 against which the petitioner had earlier filed CWP No.14993 of 1991. In the said writ petition, she had prayed for being granted the pay scale of Rs.2,000-3200 which was extended as a personal measure. The said pay scale of Rs.2000-3200 was re-revised to Rs.6500-9900 vide Notification No.GSR/3/Const./Art. 309/98 dated 07.01.1998 which too was extended to the petitioner. The contention of the petitioner that pay scale of Rs.2000-3200 was further revised to Rs.6500-10500 vide Finance Department letter dated 07.08.1998 was held to be wrong since the said pay scale had been granted to the petitioner only as a special measure and it was not the pay scale which was applicable to junior instructors. It was further recorded by the respondents that the petitioner was not entitled to be redesignated as Instructress as she did not fulfil the qualifications for the said post. Eventually, assigning the

reasons, the prayer of the petitioner for the grant of said benefits was declined by the Financial Commissioner, Secretary to the Government of Haryana vide order dated 26.11.1999 against which the instant writ petition has been filed.

3 Learned counsel appearing on behalf of the petitioner has vehemently argued that the petitioner is entitled to the grant of benefits as prayed for the reasons that pay scale of both the posts i.e. Junior Instructress and Instructress became equivalent pursuant to the orders passed by the Court and that the respondents have attempted to snatch the equivalent status from the petitioner by creating inequity between the two posts solely to justify their stand. It is also contended that the petitioner had 10 years of experience at the post of Instructress for consideration for promotion but her claim was wrongly rejected without counting her experience of more than 12 years as Instructress to which such post she worked from 02.06.1979 to 31.12.1981 and from 01.02.1988 to 05.02.1999. The petitioner thus has a right to be considered for promotion on acquisition of the requisite experience and to be given all consequential benefits w.e.f. the said date. Counsel for the petitioner further contends that the State in one of the correspondences vide letter dated 24.02.1988 had accepted their mistake to the effect that the petitioner was qualified for the post of Instructress.

4 Learned State counsel, on the other hand, contends that the present writ petition deserves to be dismissed inasmuch as there is no illegality or impropriety in the orders that had been passed by the competent authority. He contends with vehemence that the petitioner was undisputedly appointed as a Junior Instructress and that the Government decided to

upgrade the post of Junior Instructress, Personal Hygiene, Home Nursing and Family Planning to Instructress vide order dated 03.05.2000 in the pay scale of Rs.6500-10500 with immediate effect and the petitioner was appointed against the said post as a personal measure. He contends that though the petitioner has claimed for promotion to the post of Principal, in terms of Appendix B under Rule 7 of the Haryana Development Panchayats Department (Group A) Services Rules, 1988 and on possession of experience of 07 years as Block development and Panchayat Officer or 10 years as Instructor of Community Development and Training Centre, however, the petitioner did not fulfil the 10 years' experience as Instructor as her appointment to the post of Instructress as a personal measure was w.e.f. 03.05.2000 and prior thereto, she has to be treated as having been appointed as Junior Instructress notwithstanding the grant of pay scale of Instructress as a personal measure. She cannot thus claim that solely on the strength of the grant of the pay scale, her substantive nomenclature and designation needs to be considered as that of Instructress despite having been appointed as a Junior Instructress. Reference is made by the learned State counsel to the averments as contained in paras No.13, 15, 17 and 18 of the written statement which are extracted as under: -

“13. That in reply to para 13 of the writ petition, it is submitted that government has already upgraded the post of Junior Instructress Personal Hygiene Home Nursing and Family Planning in the pay scale of Rs.6500-10500 vide order dated 3.5.2000 (Annexure R-I) petitioner has been appointed against the said post as a personal measure.

15. That the contents of para 15 of the writ petition are wrong and hence denied, The pay scale of the post of Instructress and Junior Instructress never became identical at the time of revision of pay scale in year 1986. The pay scale of the post of Instructress was Rs.1640-2900 which was revised to s. 2000-3200 and the pay scale of the post of Junior Instructress was M. 1400-2600 and in the case of petitioner only Rs.2000-3200 was given as personal measure. Regarding consideration of the name of the petitioner for the post of Principal, it is submitted that a person can be considered for promotion to the post of Principal who is graduate of a recognised University with 7 years' experience as Block Development and Panchayat Officer or ten years' experience as Instructor, State Community Development Training Centre, Nilokheri. The petitioner was Junior Instructress and she has been appointed as Instructress on 8.5.2000 as Personal measure with immediate effect. She does not fulfil the prescribed experience of 10 years as Instructress. Therefore, the name of the petitioner cannot be taken into consideration for the post of Principal as per Rules.

xxx xxx xxx

17. That the contents of para 17 of the writ petition are wrong and hence denied. It is submitted that the pay scale of Rs.2000-3200 has been revised to Rs.6500-9900 w.e.f. 1.1.1996 and the same has never been further revised by the court to Rs.6500-10500 as alleged in this para. The petitioner may be put to strict proof in this regard. In the present case the pay scale of Rs.2000-3200 was given to the petitioner as personal measure. It was specifically mentioned in the order dated 29.1.1993 (Annexure P-7) that the Governor of Haryana was pleased to revise the pay scale of Smt. Veena Sehgal, Junior Instructress, State Community Development Training Centre, Nilokheri District Karnal from Rs.1400-2600 to Rs.2000-3200 w.e.f. 1.10.1991 as

personal measure in compliance with the orders of Hon'ble High Court.

18. That in reply to para 18 of the writ petition, it is submitted that the pay scale of Rs.2000-3200 has never been further revised to Rs.6500-10500. However this pay scale of Rs.2000-3200 has been revised to submitted that the pay scale of Rs.6500-9900. It is further submitted that the pay scale of Rs.6500-10500 has been allowed only to the post of Instructor and not to the post of Junior Instructress.”

He contends that another significant event took place during the pendency of the instant writ petition in the form of the petitioner filing a suit for declaration to the effect that she is entitled to First ACP scale w.e.f. 23.06.1998, Second ACP w.e.f. 23.06.2008 and Third ACP w.e.f. 04.03.2014 respectively and is also entitled to arrears on account of grant of ACP Scales along with interest @ 9% per annum from the date of entitlement till realization of the amount by claiming her appointment as a Junior Instructress herself. He contends that while the petitioner in the aforesaid civil Suit No.138 of 2015 has claimed the benefit of ACP and the consequential benefits by claiming that she was a Junior Instructress and was entitled to the ACPs by treating her post as such, the claim made herein is that the post should be treated as that of an Instructress. Such a claim runs contrary to her own pleadings in the said civil suit that was instituted by the petitioner on 10.07.2015 and has been decreed by the Additional Civil Judge (Sr. Divn.), Karnal, on 05.05.2016. She thus acknowledged the stand of the State to be correct and sought for the disbursement of the financial benefits in her favour

by deemed ratification and acknowledgment of the stand of the respondents themselves.

The above said civil suit already stands decreed and in execution, the admissible benefits stand released to the petitioner. Undisputedly, the judgment and decree in the suit for declaration and injunction had been passed in favour of the petitioner on 05.05.2016, thus exclusively deciding the lis inter se between the parties. The stand propagated and pressed by the petitioner in the civil proceedings has already culminated into a decree in her favour which stands executed to her satisfaction. The principle of res judicata would thus come into operation against the petitioner and she would be precluded from raising an argument to the contrary in the present writ petition since the proceedings of the civil court stand finalised and decreed in her favour by accepting her own case. Consequently, the benefits asked for in the present writ petition, which is in contradiction to her averments and case pressed in the civil proceedings, cannot be accepted at this juncture.

The present writ petition is accordingly dismissed.

May 01, 2025.

raj arora

(VINOD S. BHARDWAJ)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No