



CWP-14626-2025 with
CWP-20158-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108 (2 cases)

Date of Decision: 23.07.2025

CWP-14626-2025

Rajesh

...Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

And

CWP-20158-2025

Virender Kumar

...Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Laxman Choudhary, Advocate for the petitioner(s)

Ms. Tanushree Gupta, Senior Deputy Advocate General,
Haryana

TRIBHUVAN DAHIYA, J. (Oral)

These two petitions are being decided together as identical issues on similar facts arise for consideration therein. For brevity, facts have been taken from CWP-14626-2025.

2. The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order dated 17.12.2024, Annexure P-8, whereby the petitioner's claim for pay protection has been rejected.



3. Learned counsel contends that the case has been wrongly rejected by the respondents as similarly placed employee, Harpal Singh, has been accorded the benefit of pay protection vide office order dated 16.12.2014. Annexure P-12. Another junior employee to the petitioner, Virender Kumar, has also been given the benefit and is drawing a higher pay compared to the petitioner, who is senior. Accordingly, his pay needs to be stepped-up equivalent to that of Virender Kumar.

4. Learned State counsel has received instructions from respondent no.2 vide memo dated 16.07.2025, which is retained on case file as Annexure 'A'. The instructions are to the following effect:

Further, as per pay fixation sheets/statements of Harpal Singh, it is revealed that he has been given the benefit of stepping up in the light of Neelam Rani's case instructions issued by the Finance Department. The said benefit was admissible to the senior employee, who are drawing less pay than their junior counterpart. But in the case of Harpal Singh, he was granted the benefit of stepping up at par his junior counterpart Sh. Virender Singh, which was wrong because JBT has the district cadre seniority and the Harpal Singh and his junior was not belong to the same district. These facts came into the knowledge of Head Office at the time of pay protection cases of Sh. Harpal Singh at the time of their subsequent appointment and the same was rectified at that time in the light of Finance Department instructions issued vide dated 07.02.2019 and 11.11.2022. The pay of Sh. Harpal Singh was notionally fixed at Rs.56,900/- after withdrawing the benefit of stepping-up with condition that recovery of overpayment (step-up), if any, shall be made as per rules subject to the final outcome of the CWP No. 12052 of 2019 titled as Samundar Singh & others Vs State of Haryana & others and a notice for recovery of



overpayment of Rs. 242204/- (salary arrears) and Rs. 118173 (interest thereupon) had been issued to Sh. Harpal Singh. In compliance of recovery notice, the incumbent filed CWP No. 28702 of 2024 in the Hon'ble High Court and the Hon'ble High Court has stayed the recovery order till the decision of Samunder Singh and others case.

Whereas, in the present matter, the petitioner i.e. Sh. Rajesh [50178021] PGT in English initially appointed as JBT/PRT at Government Primary School, Sunarion, District Kurukshetra vide order dated E-1/2000/3352-3435 dated 12.10.2000 and granted the benefit of step-up on the post of PBT/PRT w.e.f. 13.01.2006 at par with Sh. Virender Kumar, JBT, vide order No. E-V/17/886 dated 06.04.2017 of District Elementary Education Officer, Bhiwani in the light of order dated 10.12.2016 in CWP No. 16764 of 2016 titled as Mahabir Singh & Others v/s State of Haryana and others. That the cadre of JBT/PRT is district cadre and the petitioner was posted in District Bhiwani on 04.10.2006 and the benefit of stepping up was not admissible to him as Sh. Virender Kumar was appointed on 13.01.2006 in District-Bhiwani and the petitioner i.e. Sh. Rajesh Kumar was junior to him being appointed on 04.10.2006 in district Bhiwani in light of Finance Department instruction vide No. 2/1/2019-1 PR(FD)/22953 dated 11.11.2022.

The petitioner has also availed the benefit of bunching increment up-to date which is sub-judice in the Hon'ble Supreme Court as the State has filed SLP No. 9947-9964 of 2016 titled as State of Haryana & others Vs Subhash Chander. That, the actual pay of the petitioner is Rs.56,900/- as on 15.02.2019 but the petitioner is drawing pay of Rs.58,600/- on account of benefit of bunching. Thus, the claim of the petitioner has rightly been rejected by passing a speaking order and issuance of show cause notice of recovery of benefit of stepping up wrongly availed by the petitioner as JBT w.e.f. 01.01.2006 has been issued vide order no. 16/6-2020 PGT-III(9) dated 17.12.2024.



She further contends that the Department is not effecting any recovery from the petitioner at this stage in view of directions issued by this Court vide order dated 27.01.2025 passed in Civil Writ Petition No.2096 of 2025 titled *Rajesh v. State of Haryana and others*, restraining the Department from effecting recovery from the petitioner till decision of Civil Writ Petition No.12052 of 2019 titled *Samunder Singh and others v. State of Haryana and others*.

5. Heard.

6. In view of the facts aforementioned, the petitioner is not entitled to pay equivalent to that of other employees, Harpal Singh and Virender Kumar. His entitlement to the benefit of bunching increment will be decided after decision of the SLP Nos.9947-9964 of 2016, as recorded in the impugned order itself. Further, the Department has already been restrained from effecting recovery from the petitioner till final decision in *Samunder Singh* case (*supra*).

7. In view thereof, the petitions stand disposed of.

8. A photocopy of this order be placed on connected file.

(TRIBHUVAN DAHIYA)
JUDGE

23.07.2025

Payal

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No