



107 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15466-2025

Date of Decision :18.08.2025

Sushma Gupta

...Petitioner

Versus

State of Haryana and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Rohit Mittal, Advocate for the petitioner.

Ms. Tanushree Gupta, Senior Deputy Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order dated 17.03.2025, Annexure P-5, wherein the petitioner's claim for grant of retiral benefits has been declined.

2. Learned counsel for the petitioner contended that the petitioner was appointed as Hindi Teacher with effect from 13.12.1995 in the second respondent-School, which was getting grant-in-aid from the government. On attaining the age of superannuation, she retired from service with effect from 28.02.2019, but was not granted pensionary benefits admissible to the employees of aided schools. To claim the benefits, reliance has been placed upon the judgment rendered by this Court in CWP No.4570 of 2008 titled *Hawaldar Singh v. State of Haryana and others*, decided on 08.07.2010. In this case, a direction was issued to release retiral benefits to an aided school employee irrespective of fact whether or not he worked on a grand-in-aid post.

3. Learned State counsel, on the contrary, contends that the petitioner has been working as Hindi Teacher against an unsanctioned post and, therefore, the benefit is not admissible to her. Merely because the School was getting grant-in-aid, it will not entitle her to pensionary benefits under the Haryana



Aided Schools (Special Pension and Contributory Provident Fund) Rules, 2001 (for short, 'the 2001 Rules'. As per provision of Rule 2(h), 'service' means, the service rendered in aided schools against sanctioned posts; and in Rule 3(2) (ii), it has been prescribed that these Rules shall not apply to the employees appointed against the posts not sanctioned by the Government.

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

5. Undisputedly, the petitioner has worked as Hindi Teacher in the aided School against an unsanctioned post. The aided School teachers are entitled to pensionary benefits under the 2001 Rules, provided they have rendered service against sanctioned posts, and the Rules have not been made applicable to the employees appointed against unsanctioned posts. Accordingly, the petitioner cannot be held entitled to the claimed pensionary and retiral benefits under the 2001 Rules. Reliance upon the judgment in *Hawaladar Singh* case (*supra*), is also misplaced as the petitioner therein was initially appointed as Hindi Teacher against the unsanctioned post but later the Management adjusted him against the vacant sanctioned post of JBT teacher, and he worked as such till retirement. Besides, the judgment does not make any reference to the 2001 Rules.

6. In view thereof, finding no merits in the petition it stands dismissed.

August 18, 2025

ps

(TRIBHUVAN DAHIYA)
JUDGE

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