



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

121

CWP-22009-2025
Decided On: 01.08.2025

JAT EDUCATION SOCIETY (REDG.) ROHTAK AND ANOTHER

....PETITIONER(s)

Versus

DISTRICT JUDGE-CUM-EDUCATIONAL TRIBUNAL, ROHTAK
AND OTHERS

....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Sandeep Singal, Advocate
for the petitioners.

TRIBHUVAN DAHIYA J.(Oral)

The petition has been filed seeking a writ of *certiorari* quashing the judgment dated 10.02.2025, Annexure P-7, passed by District and Sessions Judge-cum-Educational Tribunal, Rohtak, whereby the appeal filed by respondents no.2 and 3 has been partly allowed, holding them entitled to salary at DC rates from 2018 onwards with arrears at the rate of six per cent per annum from the date of filing of the appeal till its actual realisation. The said respondents, who were working as Hostel Attendant with the petitioner/Management, had filed an appeal before the Educational Tribunal, claiming reinstatement in service and payment of salary as per terms of their appointment letters.

2. Learned counsel for the petitioners contends that respondents no.2 and 3 could not have been granted salary from 2018, as under Section 15 of the Payment of Wages Act, 1936, claim for wages has to be presented within twelve months from the date on which deduction of the wages was



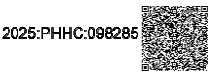
made or the payment of wages was due to be made, as the case may be. Accordingly, the claim was time bound and could not have been accepted.

3. A perusal of the impugned judgment shows that respondents no.2 and 3 have been held entitled the salary at DC rates in terms of their letters of appointment dated 12.09.2017 and 16.09.2016, Annexures P-2 and P-3, respectively, which stipulate payment of wages/salary to them as per DC rates. The findings recorded by the Tribunal in that regard are as under:

8. Concerning the salary, the appellants contend that their appointment letters dated 12.09.2017 and 16.09.2016, stipulates their entitlement to wages as per DC rates. Conversely, the respondents maintains that the appellants received a consolidated salary without objection during the specified period and, therefore, cannot claim salary at DC rates now. This Tribunal is of the opinion that this matter warrants scrutiny in light of the appointment letters issued to the appellants. According to these appointment letters, the appellants were appointed as Attendant in the hostel against an unsanctioned, purely temporary post with explicit mention of wage payment as per DC rates. This Tribunal is of the considered opinion that once the respondents offered appointment to the appellants with salary at DC rates, they cannot retract from their orders dated 12.09.2017 and 16.09.2016.

9. Learned counsel for the appellants further argues that the appellants were terminated without sufficient cause and should be allowed to continue their service as Hostel Attendant, in the respondent No.2-college. This contention lacks merit because the appellants were appointed on DC rates, and following the Haryana Government's withdrawal of policy for Employees working on DC rates, vide letter dated 14.04.2022, they were relieved from service. Therefore, the appellants are not entitled to any relief in this regard.

10. In view of the aforementioned discussion, the appeal filed by the appellants is partly allowed. The respondents are directed



to re-calculate the salary of the appellants as per DC rates issued by the Deputy Commissioner, Rohtak, from the year 2018 onwards and to pay the arrears alongwith interest at a rate of 6% per annum from the date of filing the appeal until its actual realization. Whereas, the relief sought by the appellants to continue their service is declined.

4. Since the Management engaged the services of respondents no.2 and 3 in terms of the letters of appointment aforementioned, containing the conditions that they would be entitled to payment of wages at DC rates, it cannot be allowed to turn around now and dispute their entitlement by relying upon the 1936 Act, which has no application to the case. The respondents did not raise any claim under the Act; instead, they approached the Tribunal seeking reinstatement and wages/salary as per their entitlement in terms of the letters of appointment. Accordingly, no exception can be taken to the findings recorded by the Tribunal, which are well reasoned and based on correct appreciation of facts as well as law.

5. In view thereof, there is no ground to entertain the present petition and it stands dismissed *in limine*.

01.08.2025
Ad

(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No