

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****201****CWP-3062-2001 (O&M)****Date of decision: 02.07.2026****Mohinder Kumari****...Petitioner(s)****Vs.****State of Haryana through Secretary,
Department of Rural Development & Panchayats,
Government of Haryana, Chandigarh and another****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- Mr. C.L.Sharma, Advocate
for the petitioner.****Mr. Suneel Ranga, DAG, Haryana.***********NIDHI GUPTA, J.**

Present Civil Writ Petition under Article 226/227 of the Constitution of India has been filed by the petitioner for issuance of a Writ in the nature of certiorari or any other appropriate writ, order or direction, setting aside order dated 25.9.2000 passed by respondent no.2 and directing the respondents to grant the petitioner dearness allowance, benefit of provident fund scheme, cadre grade and bonus as given to the other similarly situated employees.

2. It is *inter alia* submitted by learned counsel for the petitioner that the petitioner was appointed as Craft Teacher on 09.06.1969, in the Block Development & Panchayat Samiti, Ambala City, Haryana. The petitioner served to the full satisfaction of her superior officers without



any complaint. The respondent-Panchayat Samiti is fully controlled by the State of Haryana and, therefore, is amenable to writ jurisdiction. Vide letter dated 19.12.1989, Financial Commissioner-Secretary, Department of Rural Development and Panchayats, Haryana/respondent No.1 had clarified that Craft Teachers of Panchayat Samitis can be given Dearness Allowance, Bonus et cetera w.e.f. 01.07.1989 as was given to the Government employees in the State of Haryana after passing of necessary resolution by the respective Panchayat Samities. It is submitted that accordingly, Panchayat Samities by passing resolutions granted said benefits to the Craft Teachers employed by them.

3. Learned counsel submits that one Smt. Darshana Craft Teacher who is a similarly situated employee, and junior to the petitioner was granted bonus at the rate of 70%; whereas the petitioner was given bonus at the rate of 48%. Apart from this, she was granted benefit of Provident Fund Scheme, Cadre Grade and arrears of Bonus for the year 1995-96 and 1996-97 but the petitioner was not granted any of these benefits. The petitioner made number of representations including representation dated 13.11.99 (Annexure P-1) but all in vain.

4. Accordingly, petitioner had filed Civil Writ Petition No. 3278 of 2000 before this Court; which was disposed of vide order dated 24.3.2000 directing the concerned to pass “.....*appropriate order on the petitioner's claim for grant of dearness allowance, benefit of provident fund scheme, cadre grade and bonus. If the concerned authority come to the conclusion that the petitioner is not eligible or entitled to get the*



benefit in terms of the prayer made by her, then a reasoned order shall be communicated to her at the end of three months.” Pursuant thereto, petitioner has duly submitted Representation dated 04.07.2000 (Annexure P-2). However, vide impugned order dated 25.09.2000 (Annexure P-3), the respondents informed the petitioner that they are unable to give the aforesaid benefits to the petitioner “*due to their poor financial condition*”. Ld. counsel contends that the impugned action of the respondents is clearly discriminatory and violative of Article 14 of the Constitution of India as similar benefits have been granted to the junior employee, namely, Darshana Devi. It is accordingly prayed that present Writ Petition be allowed.

5. *Per contra*, learned counsel for the respondent-State vehemently opposes submissions advanced on behalf of the petitioner and submits that the Panchayat Samities grant benefits as per their respective financial position. Moreover, the petitioner is not a Government employee; but is employed by Panchayat Samiti. It is contended that the Panchayat Samiti is a local body and, therefore, the rules and instructions applicable to Government employees are not applicable to the petitioner. Thus, the present Writ Petition is misconceived and deserves to be dismissed.

6. No other argument is raised on behalf of Id. counsel for the parties. I have heard Id. counsel and perused the case file in detail. I find merit in the submissions advanced on behalf of respondent-State.



7. The petitioner is seeking the above said benefits such as dearness allowance, provident fund scheme, cadre grade and bonus w.e.f. 01.07.1989 on the basis of the letter dated 19.12.1989 issued by the Financial Commissioner-Secretary, Department of Rural Development and Panchayats, Haryana/respondent No.1. It is, however, not disputed by learned counsel for the petitioner that there was a clear stipulation in the said letter dated 19.12.1989 that the aforesaid benefits of dearness allowance, provident fund scheme, cadre grade and bonus are to be given to the employees of the Panchayat Samities after passing of resolutions by the respective Panchayat Samities. Thus, there was no blanket instructions/direction issued at any point on the basis of which such benefits were made admissible to the petitioner. On the contrary, a perusal of the record, in particular Annexure P-3, reveals that Panchayat Samiti, Ambala had duly passed Resolution No. 4 dated 30.08.2000 wherein it was decided that *"Panchayat Samiti has income of only Rs.2400/- per annum and its financial position is not good....."* and, therefore, the aforesaid benefits cannot be granted.

8. Furthermore, primary ground on which the petitioner is seeking the above said benefits is that the same have been granted to a junior employee and not to the petitioner. However, the petitioner cannot claim parity with Smt. Darshana Devi as the said Smt. Darshana Devi is employed as Craft Teacher with the Panchayat Samiti, Barara; and not with the Panchayat Samiti, Ambala, where the petitioner was employed. As already noted above, as per the letter dated 19.12.1989



benefits were to be granted by the respective Panchayat Samitis as per their respective resolutions. Thus, case of the petitioner is not comparable to that of Smt. Darshana Devi, as both are employees of different Panchayat Samitis.

9. Even otherwise, the said benefits are not admissible to the petitioner as a perusal of the written statement dated 16.08.2001 filed by respondents No.1 and 2 shows that it has been categorically stated therein that *"However, it is pertinent to mention here that Smt. Darshana Devi is also not granted any extra benefits by the Panchayat Samiti. Barara. The petitioner Smt. Mahinder Kumari is getting the dearness allowance at the rate of 24%, and both are getting cadre grade in the old pay scale."* Respondents have further stated in their reply that no bonus has been given to either of the two employees; and Smt. Darshana Devi has never been granted benefit of CPF. It may be pointed out that no rejoinder has been filed by the petitioner controverting the above said averments made by the respondents. Thus, petitioner has been unable to make out any discrimination against her, as alleged.

10. Furthermore, vide Affidavit dated 04.10.2002 submitted by Partap Singh, Executive Officer, Panchayat Samiti, Ambala-cum-Block Development and Panchayat Officer, Ambala, the respondents have stated as follows: -

"2. That the petitioner is the sole employee of Panchayat Samiti, Ambala and is not a State Government employee.

3. That the petitioner is getting her salary from Panchayat Samiti funds and not from Govt. Treasury. The Panchayat



Samiti does not receive any grant on account of salary of its employees.

4. That there is no other employee of the Panchayat Samiti, Ambala except the petitioner.

5. That the Panchayat Samiti is an autonomous body and non-Govt. Agency and the rules applicable to Govt.employees are not applicable to the petitioner. Moreover, the deponent is the Executive Officer of Panchayat Samiti and acts as per directions of Panchayat Samiti.

6. That the Panchayat Samiti in Haryana State grant the financial benefits to their employees according to its financial position. It is not mandatory for the Panchayat Samiti to grant benefits like C.P.F. Bonus, New Pay Scale etc. which depend only on the financial position of the Samiti."

11. Even no rejoinder to the above Affidavit dated 04.10.2002 has been filed by the petitioner. Thus, the above said averments are taken to be correct and admitted by the petitioner. In fact, it is important to note that in the Writ Petition petitioner has nowhere mentioned as to with which Panchayat Samiti is the said Smt. Darshana Devi employed. However, written statement and Affidavit unequivocally state that Smt. Darshana Devi is employed with Panchayat Samiti Barara and not with Panchayat Samiti, Ambala where petitioner was working.

12. Learned counsel for the petitioner is unable to controvert or dispute the above said factual and legal position.

13. In view of the above, the present Civil Writ Petition stands **dismissed.**

14. Pending application(s) if any also stand(s) disposed of.

02.07.2026

Divyanshi

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No

(NIDHI GUPTA)
JUDGE