114 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-5852-2026
Date of Decision : 22.04.2026

Mahender Singh and Others …Petitioners

Versus

State of Haryana and others ….Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Chanderhas Yadav, Advocate for the petitioners.

Mr. Aakash Singla, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed, *inter alia,* seeking a writ of *certiorari* for setting aside the judgment dated 14.11.2025, Annexure P-10, passed by the Educational Tribunal-cum-District Judge, Gurugram, whereby the petitioners' claim for benefit of arrears of salary, increments and allowances etc. has been declined.

2. Learned counsel contended that the petitioners were appointed as Class-III and Class-IV employees in the respondents-Schools being run by private educational societies, between 1981 to 1989; and have retired from service between 2022 to 2025. They approached the Tribunal claiming the following reliefs:

> 2.5 In the prayer clause, the appellants have sought directions to the respondents to release the arrears of the pay commissions as mentioned below:
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> a) Arrears of 6th pay commission from 01.01.2006 to 31.12.2015
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> b) Arrears of 7th Pay Commission since 01.01.2016 till its full and final realization.

c) 10% annual increment.

d) 30% of House allowance.

e) 1000/- per month as medical allowance.

f) 500/- per month as Washing allowance.

g) Annual LTC allowances.

h) 12,000/- per years for education allowance for two children.

i) Bonus (Annual)

j) Two uniforms for summer and winter season and one pair shoes and four pairs of socks,

k) 1000/- per month as travelling allowance.

I) Twelve Casual leave, 10 medical leave, 30 earned leave and allowed to holiday for second and fourth Saturday of every month.

m) One month leave for summer vacation.

n) Ten days leave for winter vacation.

o) Promotion of employee after every ten years and provide ACP/MACP of salary updation as per Govt. Employee and also to pay the arrear of ACP/MACP.

He further contended that the statutory benefits due to four of the petitioners have been denied on the ground that they had executed undertakings at the time of retirement acknowledging full and final settlement of their claims, expressly stating that no other claim would be raised against the Management. The undertakings were not given with free will and could not defeat their rights. With respect to the remaining petitioners, it has been held that they could not be given the benefits in the absence of any contract or service rules establishing their entitlement. However, similarly placed employees in other schools run by the Management in Delhi are being paid these benefits. Therefore, the petitioners are also entitled to claim such benefits on the principle of parity.

3. Considering the submissions, this Court is not inclined to entertain the petition. Even if the undertakings given by some of the employees at the

time of retirement regarding full and final settlement of their claims are to be ignored, there is no material on record to establish their entitlement to the benefits claimed. The same are not shown to be admissible either under the terms of their contract of service or under any statutory rules or regulations governing their employment. Nor is it the case that any other similarly placed employee of the schools where the petitioners have worked, has been given those benefits. These aspects have been duly considered by the Tribunal, as noted hereinbelow:

> 10.3 With regard to Point no.3, whether any claim survives and is maintainable, it is observed that the appellants' primary grievance relates to salary revision and statutory/government-linked benefits. As held above, no statutory right to such benefits has been established. However, the respondents admit that salary was revised and PF/EPF/EPS benefits were being provided. Any dispute regarding incorrect calculation of PF/EPF/EPS contribution, non-payment of earned salary actually paid by the institution, or violation of contractual terms would fall within the scope of the Tribunal, provided evidence is led.
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> 10.4 The appellants have not produced any cogent calculation, contract, service rule, appointment term or statutory notification establishing entitlement to increments, HRA at 30%, LTC, uniforms, medical allowance, washing allowance, travel allowance, bonus, or vacation leave in the manner sought. In absence of material evidence, such claims cannot be granted.
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> 10.5 Therefore it emerges from the record that certain appellants (Nos.1, 2 and 6) are still in service. While they cannot claim government pay-scales, they are entitled to receive the salary and allowances paid by the institution uniformly to similarly situated staff. The respondents have not denied that the appellants were being paid ₹30,296/- after the demand notice. No material has

been placed on record by the appellants showing that any part of the salary actually payable under the institution's own pay structure remains unpaid.

10.6 Respondents are minority educational institutions, a fact not disputed by the appellants. Article 30(1) of the Constitution confers upon religious and linguistic minorities the fundamental right to establish and administer educational institutions of their choice. The Supreme Court in *T.M.A. Pai Foundation v. State of Karnataka* (2002), *P.A. Inamdar* v. *State of Maharashtra (2005)* and *Sindhi Education Society* v. *Chief Secretary, Govt. of NCT of Delhi* (2010) has consistently held that this right includes the autonomy to regulate service conditions of employees, except to the limited extent that regulatory measures are necessary to ensure educational excellence, fairness in administration, and safeguarding the interest of students.

10.7 It is now well settled that pay structures applicable to government employees are not automatically enforceable upon private unaided minority institutions. The State cannot impose financial liabilities on such institutions by mandating government pay-scales unless there exists a statutory provision specifically binding the institution, or unless the institution itself has voluntarily adopted such scales. No such material has been produced in the present case.

4. The findings recorded by the Tribunal are well reasoned and in accordance with settled law. Therefore, no interference is called for.

5. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

April 22, 2026
ps

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