



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Sr. No.214

CWP No.4665 of 2017
Date of Decision: 05.03.2026

Sanjeev Kaushik and others

.... Petitioners

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. S.K. Sharma, Advocate, and
Mr. Rajat Sharma, Advocate, for the petitioners.

Mr. Rohit Arya, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the office order dated 18.10.2016/16.11.2016, Annexure P-8, whereby direction issued by the Division Bench of this Court in CWP No.6266 of 2010 titled *Raghubir Singh and others v. State of Haryana and others*, and connected matters, to give benefit of revision of pay scale to Vocational Lecturers Hindi and English working in Secondary Education Department, has been generalised to non-petitioners, like the petitioners herein, as well on notional basis, and actual benefits have been given prospectively only.

2. Learned counsel for the petitioners contended that the petitioners were working as Language Teachers (English and Hindi) in the Department of Industrial Training and Vocational Education under Vocational Education Scheme, and were transferred to the Education Department as Lecturers in English and Hindi. Similarly placed vocational

Lecturers approached this Court by filing CWP No.16543 of 1990 titled *Ram*



Chander and others v. State of Haryana and another, which was allowed on 15.07.1992, and appeal against the same was dismissed by the Supreme Court vide judgment dated 09.05.1997, holding as under:

In the result this appeal fails and is dismissed. Interim stay granted by this Court on 20th February 1995 shall stand vacated. The appellants will have now to make good to the respondents arrears of pay in the revised pay scale of Rs.2000-3500/- as claimed by them with effect from the date of the judgment of the learned single Judge of the High Court, that is, from 15th July, 1992, though their earlier pay scales will stand notionally revised to Rs.1640-2900/- from 1-1-1986 and to Rs.2000-3500/- from 1st May, 1990 and their increments in the said pay scales will have to be worked out accordingly and their present pay will have to be re-fixed accordingly. Only the actual arrears will have to be made available to them in the said revised pay scales from 15th July, 1992 as ordered by the learned single Judge and which part of the order has become final qua respondents as seen earlier. The aforesaid exercise shall be carried out by the appellants and all the monetary benefits shall be made available to the respondents within a period of four months from the date of receipt of a copy of this order at the end of the appellants. In the facts and circumstances of the case there will be no order as to costs.

Appeals dismissed.

To give effect to the direction issued, a letter dated 03.09.1997, Annexure P-2, was issued. All the petitioners therein were given the due benefit, and the similarly situated Language Teachers of Vocational Education Institutes were extended the benefit of pay scales on notional basis. The order was challenged by one Satyapal Singh and 118 other Language Teachers by filing CWP No.15712 of 1997, which was allowed by this Court quashing the office order, dated 03.09.1997, to the extent of confining the arrears from the date of issue of the order, and holding that the petitioners would be



entitled to arrears with effect from 15.07.1992 in the revised pay scales. The appeal against this judgment was dismissed by the Supreme Court vide order dated 13.11.2007, passed in Civil Appeal Nos.2909-2911 of 2011. Subsequently, the Government vide order dated 24.02.2009 took the decision to transfer the Vocational Education Scheme from the Department of Industrial Training and Vocational Education to School Education Department, and the petitioners were re-designated as Vocational Lecturers (English and Hindi). The pay scales of Haryana Government employees were again revised with effect from 01.01.2006 on the recommendation of Sixth Pay Commission. However, the benefit was not granted to the Language Teachers/Vocational Lecturers (English and Hindi) after their merger and transfer to Education Department. Therefore, some of the teachers filed CWP No.6266 of 2010 titled *Raghubir Singh and others v. State of Haryana and others*, along with connected petitions, seeking the benefit of revised pay scale with effect from 01.01.2006, which were allowed vide judgment dated 26.08.2015. Accordingly, on this premise it has been contended that the petitioners are also entitled to actual benefit of the revised pay scale with effect from 01.01.2006.

3. *Per contra*, learned State counsel contends that the petitioners cannot claim arrears of the revised pay scale with effect from 01.01.2006, as they were transferred to the Education Department only on 24.02.2009. Besides, the benefit cannot be claimed by referring to the judgment in *Raghubir Singh* case *ibid.* as the petitioners were never party thereto. He has referred to the following paragraphs of the written statement in this regard:

3. That consequent upon the decision of the State Government issued vide notification no. IT/VE/Merger/2008 dated 11.06.2008, the Vocational Education Scheme was transferred from Industrial training and vocational Educational



Department, Haryana to the School Education Department, Haryana. In compliance of the decision of the State Government, the vocational staff of 31 VElS including petitioners were transferred from the Department of Industrial Training & Vocational Education, Haryana to the Department of School Education, Haryana on dated 24.02.2009.

4. That there was a general revision of pay scales of state government employees on the recommendations of the 6th Pay Commission. In this general revision the Language Teachers working in the Industrial Training and Vocational Education Department were treated differently from the School Lecturers working in the Secondary Education Department. The pay scales of the Language Teachers working in Industrial Training and Vocational Education Department were revised to PB-2, 9300-34800+GP 4200 whereas the pay scales of School Lectures working in the Secondary Education Department were revised as upgraded to PB-2, 9300-34800+GP 4800 w.e.f 01.01.2006.

5. That these Language Teachers, who were also working in the Industrial Training and Vocational Education Department, were transferred to the Education Department as a policy decision vide order dated 24.02.2009 of the School Education Department. These Language Teachers challenged the disparity created in their pay scale w.e.f. 01.01.2006 arising due to general revision in the pay scales by filing CWP Numbering 6266 of 2010 titled as Raghubir Singh and others Vs State of Haryana and others. The petitioners had prayed therein that the respondents be directed to release revised/modified pay scales of Rs.7500-12000 and Grade pay of Rs 4800 to the petitioners w.e.f. 01.01.2006 as has been allowed to School Lecturer of the School Education Department. The Hon'ble Court was pleased to allow this writ petitions, vide order dated 26.08.2015, and held that the petitioners are entitled to similar pay scales as the once admissible to the Lecturers of the school cadre in language sections.



6. That matter being financial in nature, all benefits have been granted in concurrence of Finance Department, Haryana. As per the advice of the Finance Department dated 18.10.2016 in CWP 6266 of 2010, the petitioners of CWP 6266 of 2010 were granted pay band of Rs.9300-34800+4800 grade pay w.e.f. 01.01.2006, along with interest @8% p.a. till the date of payment of principal amount. Also, similar benefit was granted to the non-petitioners/similarly situated employees on notional basis only and actual prospectively. The letter of the Finance Department, Haryana is annexed as Annexure R-1. The petitioners of the present writ petition were not petitioners in CWP 6266 of 2010 and CWP no 15712 of 1997.

7. That the petitioners of the present writ petition were not petitioners in above mentioned writ petitions. However, the Department/Government decided to extend this benefit even to the non-petitioners at its own level to avoid further litigation vide order dated 18.10.2016/16.11.2016 (annexed as Annexure P-8) on notional basis only and actual prospectively.

4. Heard.

5. It is apparent on record that the petitioners were earlier working as Language Teachers (English and Hindi) in the Department of Industrial Training and Vocational Education under Vocational Education Scheme. After closure of the scheme in terms of the Government notification dated 11.06.2008, the staff working in thirty-one educational institutions, including the petitioners, were transferred to the School Education Department with effect from 24.02.2009. Certain Language Teachers who were transferred to School Education Department approached this Court by filing writ petitions, including *Raghubir Singh* case, claiming the revised pay scales as admissible to School Lecturers in the Education Department, as they were performing same duties and functions. The petitions were allowed and the benefit was

extended to the petitioners therein in terms of the directions.



6. It is a matter of record that the petitioners approached this Court only after decision of the *Raghubir Singh* case, and grant of benefit to similarly placed Language Teachers in terms of the directions issued in their respective cases. Accordingly, they are mere fence-sitters and never agitated their rights at the appropriate stage. They have approached the Court after a considerable unexplained delay, only after favourable decision in the cases aforementioned, and cannot be treated at par with the petitioners of those cases so far as the benefit of arrears is concerned. The law to this effect has been settled by the Supreme Court in *State of Uttar Pradesh and others v. Arvind Kumar Srivastava and others*, (2015) 1 SCC 347, holding when a particular set of employees has been granted relief by the Court, all identically situated should be treated alike by extending them the benefit, but the persons who failed to approach the Court within time and woke up after a long delay to challenge the action only because their counterparts had succeeded, could not claim the benefit extended to the counterparts. The observations in this regard are as under:

22.1. The normal rule is that when a particular set of employees is given relief by the court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.

22.2. However, this principle is subject to well-recognised exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and



woke up after long delay only because of the reason that their counterparts who had approached the court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.

7. Also, considering that the directions issued by the Court were not *in personam*, the benefit cannot be claimed by the petitioners on that basis. It has been separately extended on parity basis, vide impugned office order dated 18.10.2016/16.11.2016, to all similarly placed Language Teachers who joined the Education Department as Vocational Lecturers in English and Hindi, notionally from the date it was given by the Court and actually from the date of the office order. This Court finds nothing illegal or irregular about it in the light of settled law and facts of the case.

8. In view of the discussion, finding no merit in the petition, it stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

05.03.2026
Maninder

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