

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104+232 (3 cases)

CWP-28443-2022 (O&M)
Date of Decision: 23.02.2026

Vikram Singh and others

...Petitioners

Versus

Governing Council, Samagra Shiksha and others

...Respondents

With

Sr. No.	Case No.	Petitioner(s)	Respondents
2.	CWP-23978-2023 (O&M)	Gurjeet Singh	Governing Council, Samagra Shiksha and others
3.	CWP-24204-2023 (O&M)	Kuljit Kaur and others	Union of India and others

CORAM: HON’BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. R.K. Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate for the petitioners
(in CWP-28443-2022)

Mr. G.S. Bal, Senior Advocate with
Mr. Laxman Choudhary, Advocate for petitioner
(in CWP-23978-2023)

Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Rajesh Narang, Advocate for the petitioners
(in CWP-24204-2023)

Mr. Anil Chawla, Senior Panel Counsel
for Union of India-respondent No.1
(in CWP-24204-2023 and CWP-23978-2023)

Ms. Madhu Dayal, Additional Standing Counsel and
Ms. Diksha Sharma, Junior Panel Counsel
for respondent-U.T. Chandigarh
(in CWP-24204-2023)

Mr. Sanjiv Ghai, Senior Standing Counsel and
Mr. Manpreet Singh, Advocate
for respondent Nos.1 to 3
(in CWP-28443-2022)

**JAGMOHAN BANSAL, J.** (Oral)

1. As common issues are involved in the captioned petitions, with the consent of all the stakeholders, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from *CWP-28443-2022*.

2. The petitioners through instant petition under Article 226 of the Constitution of India are seeking setting aside of order dated 11.07.2022 whereby respondent w.e.f. 01.07.2021 has reduced their monthly remuneration from ₹53,321/- to ₹48,708/- and further effected recovery for the intervening period.

3. The petitioners, pursuant to advertisement applied for the post of Resource Persons (Academic and Special Education) under Samagra Shiksha Project ('SSP') launched by Government of India and implemented by State Governments including Union Territories. The petitioners were selected and they joined service during 2019 to 2020. Chandigarh Administration on 11.08.2016 decided that contractual employees would be entitled to Dearness Allowance ('DA'). Chandigarh Administration, from time to time, increased DA of the employees working under SSP. The dispute arose when DA was revised from 164% to 189% w.e.f. 01.07.2021. Chandigarh Administration revised DA from 164% to 189% w.e.f. 01.07.2021 in favour of its employees, thus, petitioners being contractual employees under Chandigarh Administration became eligible to DA @ 189%. The Administration paid DA @ 189% to all the employees working under SSP. The Administration vide letter dated 02.12.2021 requested Central Government to allocate additional budget of ₹427.52 Lakhs for the payment of enhanced DA w.e.f. 01.07.2021. Government of India



principally conceded to proposal of Chandigarh Administration, however, vide communication dated 24.12.2021 sanctioned additional budget of ₹414.18 Lakhs against claimed budget of ₹427.52 Lakhs. On account of difference in claimed and sanctioned budget, the Administration decided to recover differential amount from petitioners. The respondent further decided to reduce DA in future besides recovery of past payment.

4. Learned counsel for respondent Nos.1 to 3-Chandigarh Administration submit that Administration specifically requested Central Government to release additional budget of ₹427.52 Lakhs. In the request letter, number of teachers, their original cost and revised cost was duly disclosed. The Central Government, as per its convenience and understanding, released ₹414.18 Lakhs against claimed additional budget of ₹427.52 Lakhs. It is a fully Central Government aided Project, thus, Administration cannot allocate differential budget from its other sources. The Finance Department has specifically opined that additional budget cannot be arranged from other sources because it is a 100% Central Government sponsored project.

5. Learned counsel for Union of India submits that under SSP, the Project Approval Board considers request of all the States and Union Territories. As per its policy, cost to the extent of 60% of the Project is borne by Central Government and remaining 40% by State Government. In case of Union Territories, the cost is borne by Central Government, however, a particular amount is sanctioned which Union Territory has to utilize. In case of deficit, Union Territory has to bear the burden.

6. Heard the arguments and perused the record.



7. From the perusal of record and arguments of both sides, it is evident that respondents are unable to controvert that upto 2021, petitioners were working as Resource Persons under SSP of Ministry of Human Resource Development and were getting DA at par with other school teachers. They were paid DA @ 189% from 01.07.2021 at par with other contractual employees, however, DA was brought down to 164% on account of shortage of funds sanctioned by Central Government. The counsel for respondents are not disputing that petitioners are at par with other contractual teachers and they are entitled to DA at par with others.

8. The dispute has erupted because Chandigarh Administration is of the opinion that 100% cost of SSP should be borne by Central Government because it is a 100% Central Government aided Project whereas the Central Government is of the opinion that they have allocated specific budget to each State and Union Territory and if there is any deficiency, it has to be borne by State Government or Union Territory.

9. The petitioners are contractual employees of Chandigarh Administration and they were working under a particular project. They are entitled to DA at par with other contractual teachers. There is no ground with respondents to reduce their DA from 189% to 164%. Chandigarh Administration and Central Government are asking each other to bear the burden of differential amount which is arising on account of calculation error or misunderstanding between two Government authorities. The petitioners cannot be made to suffer on account of misunderstanding between two departments or authorities. The respondents are duty bound to pay differential amount to petitioners like other employees especially when there is no ground with respondents. Chandigarh Administration is directly

could claim that burden should be borne by State Government, however, in case of Chandigarh Administration, this argument does not sustain.

10. In the wake of above discussion and findings, this Court is of the considered opinion that petitions deserve to be allowed and accordingly allowed. Order dated 11.07.2022 is hereby set aside. The respondents are directed to release to the petitioners DA @ 189% w.e.f. 01.07.2021. The arrears, at the first instance, shall be paid by Chandigarh Administration within three months from today failing which it would be liable to pay interest @ 9% per annum from the expiry of said period. The Chandigarh Administration is at liberty to recover the said amount from Central Government.

11. The petitioners in *CWP No.24204 of 2023* are at liberty to pursue their remaining claims before appropriate authorities.

12. Pending application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

23.02.2026
Mohit Kumar

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