
(2019) 11 P&H CK 0157

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 21964 Of 2019

Anita Rani And Others

APPELLANT

Vs

State Of Haryana And Another

RESPONDENT

Date of Decision : 15-11-2019

Acts Referred:

Citation : (2019) 11 P&H CK 0157

Hon'ble Judges : Harsimran Singh Sethi, J

Bench : Single Bench

Advocate : K.S. Khehar, Safia Gupta

Final Decision : Disposed Of

Judgement

Harsimran Singh Sethi, J

In the present writ petition, the grievance which is being raised by the petitioners is that they are entitled for the pay and allowances for the post of Principal for the period when they had discharged the duty of the said post on current duty charge keeping in view the law laid down by this Court in CWP No.20042 of 2018, filed by a similarly situated employee namely Smt. Sushila Kumari to whom similar benefits have been extended. Further, prayer of the petitioners is that even the last pay, which the petitioners will receive of the post of Principal on current duty charge at the time of retirement, be taken into consideration for computing their pensionary benefits.

A short affidavit has been filed by the respondents today in the Court wherein, the following averments have been made:-

"3. That it is pertinent to mention here that CWP No.20042 of 2018 was filed before the Hon'ble High Court by Smt. Sushila Kumari in which she had challenged her transfer order dated 07.08.2018 and had further prayed to quash the condition imposed in the order vide which the petitioner (in the CWP No.20042 of 2018) was assigned the Current Duty Charge of the post of Principal

in her own pay scale. She had further prayed in it to grant her full salary of the post of Principal from the date she was assigned the Current Duty Charge of the post of Principal and also prayed to Hon'ble High Court to get the arrears in this regard released with interest. This CWP No. 20042 of 2018 was disposed of with the following orders by the Hon'ble Court vide its order dated 01.08.2019:-

"Petitioner is entitled to the higher pay scale from the date she assumed charge of the post of Principal with all consequential benefits. Her pay be re-fixed and arrears of pay are directed to be calculated from the date when she had been officiating on the post of Principal. The payment of arrears shall be made within three months from the date of receipt of certified copy of this order with all consequential benefits.

Writ petition is allowed."

A copy of the order dated 01.08.2019 is enclosed as Annexure R-1.

4. That the above said order dated 01.08.2019 passed by the Hon'ble High Court in CWP No.20042 of 2018 has been implemented by the office of answering deponent vide order dated 05.11.2019. A copy of this order dated 05.11.2019 is enclosed as Annexure R-2.

5. That the present CWP No.21964 of 2019 is similar in nature with the CWP No.20042 of 2018 to the extent that the petitioners in both the writ petitions have claimed the salary for the post of Principal for the period they have performed their duties as Current Duty Charge Principals. However, the petitioners in the present CWP No.21964 of 2019 are also claiming to re-fix their pension by taking into consideration the pay scales and other allowances of the post of Principal. Whereas, the petitioner Smt. Sushila Kumari in CWP No.20042 of 2018 had never prayed to the Hon'ble High Court to re-fix her pension by taking into consideration the pay scale as Current Duty Charge Principal."

A bare perusal of the above reply would show that the respondents have accepted that the claim of the petitioners qua the payment of salary of the post of Principal for the period when they discharged the duties of the post of Principal on current duty charge being similar to that of Smt. Sushila Kumari (supra) but the respondents have objected to the claim of the petitioners for re-fixing the pensionary benefits on the basis of the pay which the petitioners will receive of the post of Principal while working on current duty charge on the ground that no such relief was granted by this Court while deciding CWP No.20042 of 2018 titled as Sushila Kumari Vs. State of Haryana and another, on 01.08.2019.

Learned counsel for the respondents very fairly states that with regard to the claim of the pay and allowances for the post of Principal during the period when the petitioners discharged the duties of the post of Principal on current duty charge, be disposed of in terms of the order passed by this Court in CWP No.20042 of 2018 titled as Sushila Kumari Vs. State of Haryana and another, decided on 01.08.2019 but the second claim of the petitioners for revising their

pensionary benefits cannot be accepted at this stage as there was no such order passed by this Court while deciding CWP No.20042 of 2018.

Learned counsel for the petitioners states that the petitioners will be satisfied, at this stage, in case their claim for the grant of pay and allowances for the post of Principal for the period when they discharged the duties of the said post on current duty, is disposed of in same terms as decided by this Court in CWP No.20042 of 2018 titled as Sushila Kumari Vs. State of Haryana and another, on 01.08.2019 and for the revision of the pensionary benefits, the petitioners be granted liberty to approach the respondents by filing an appropriate representation and the respondents be directed to decide the said claim in a time bound manner by passing an appropriate speaking order.

Keeping in view the facts which have been recorded above and the prayer of the counsel for the parties, the claim of the petitioners with regard to the grant of pay scale of the post of Principal for the period when the petitioners discharged the duties of the post of Principal on current duty is disposed of in same terms as CWP No.20042 of 2018 titled as Sushila Kumari Vs. State of Haryana and another, decided on 01.08.2019 Learned counsel for the respondents states that in case the petitioners file any representation raising any other claim, the said representation will be decided within a period of three months from the receipt of the same by passing an appropriate speaking order.

Keeping in view the above, as the respondents have already undertaken to decide the representation, no orders are required to be passed, at this stage by this Court. The respondents will be bound by the undertaking recorded above.

The present writ petition stands disposed of.