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A CONSULTANCY REGISTERED FIRM TO PROVIDE HELP FOR THE PROBLEMS OF GOVT. EMPLOYEES & RETIRED PENSIONERS

To release of pay and emoluments in respect of higher post of Principal/Head Master against which they had been called upon to exercise the powers of Drawing and Disbursing Officer (DDO's) in the capacity of Principal / Headmaster.

To release of pay and emoluments in respect of higher post of Principal/Head Master against which they had been called upon to exercise the powers of Drawing and Disbursing Officer (DDO's) in the capacity of Principal / Headmaster vide the judgment of the Hon'ble Supreme Court in **P.Grover Vs. State of Haryana, 1983 AIR (SC), 1060**. The facts in **P.Grover's** case (supra) were that the appellant therein two years prior to attaining the age of superannuation had been given the officiating charge of District Education Officer. The Apex Court while admitting the claim of the appellant to be released the pay and emoluments of the higher post had observed that in the absence of any rule justifying refusal to pay to an officer promoted to a higher post, the salary of such higher post, the employee in question is entitled to be paid the salary of the post of District Education Officer against which she had officiated. Drawing and Disbursing Officer are entitled to the pay and emoluments of the higher post of Principal/Head Master for the period they had actually discharged their duties and responsibilities of such post vide CWP No. 26598 of 2015 Gurjant Singh & Ors. V/S State of Haryana & Ors. allowed on dated 12.03.2020 and in terms of the decision of this Hon'ble Court in R.S.A. No. 1539 of 1999 titled as Commissioner and Secretary to Government of Haryana, Industrial Training and Vocational Education, Chandigarh Vs. S.K. Bagga. **Contact Dr. Krishan Lal at Mobile No. 98157-13297, 99150-31482 and 90410-13814 to 19 (6 Lines)**



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A CONSULTANCY REGISTERED FIRM TO PROVIDE HELP FOR THE PROBLEMS OF GOVT. EMPLOYEES & RETIRED PENSIONERS

PERFORMA (ENGLISH CAPITAL LETTERS) Writ Regarding To release of pay and emoluments in respect of higher post of Principal/Head Master against which they had been called upon to exercise the powers of Drawing and Disbursing Officer (DDO's) in the capacity of Principal / Headmaster.

Name	
Father's Name	
Designation	
School Name	
Date Of Birth	
Aadhar Card No.	
Date Of Appointment	
Date Of Regular	
Date Of Retirement	
DDO Period	
Mobile Number	
Whats App Number	
Email Address	
Residence Address	
Signature	

Important Points:-

Paytm, Google Pay and PhonePe Mobile Number:- 9915031482

1. In case of female, write the name of husband in address.
2. Send one copy of performa by whatsapp and one by post.
3. Write tehsil and distt. name in school and residence address.
4. Send one copy of Aadhar Card by whatsapp and one by post.

State Bank of India Budhlada
Distt. Mansa(Punjab)
Current A/c No.39453963229
In Favour of: Krishana Consultancy
IFSC Code: SBIN0050050
Whatsapp No - 98157-13297

POWER OF ATTORNEY

In the Court of

.....

VERSUS

.....

[Plaintiff/Appellant
Complainant
Petitioner

[Defendant
Respondent,
Accused

KNOW ALL to whom these present shall come that I/We undersigned appoint

for the in the above mentioned case to do all the following acts deeds and things or any of them that is to say :-

1. To act appear and plead in the above mentioned case in the court or any other Court in which the same may be tried or heard in the execution or in any stage of its progress until its final decision.
2. Present pleading appeals letter patent appeal cross objection or petitions for execution review, revisions withdrawal compromise or other petitions or affidavit or other documents as shall deemed necessary or advisable for the prosecution of the said case in all its stage.
3. To file and take back documents and to file application for restoration there of in case it is dismissed in default.
4. To withdraw or compromise the said case or submit for arbitration any difference or disputes that shall arise touching or in any manner relating to the said case.
5. To deposit draw any receive money and grant receipt there of and to do all other acts and things which may be necessary to be done for the progress and in the case of prosecutions of said case.
6. To employee and other legal practitioner authorising him to exercise the power and authorities hereby conferred on the advocate whenever he may think fit to do so.

And I/We hereby agree to ratify whatever the Advocate or his substitute shall do in the promises.

And I/We hereby agree not to hold the Advocate or his substitute responsible for the result of said for hearing case in consequence from the court when the said case is called up or for any negligence of the said Advocate or his substitute.

And I/We hereby agree that in the event of whole or any part of fee agreed by me to be paid to the Advocate, remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid if any costs are allowed for an adjournment the advocate would be entitled to the same.

IN WITNESS WHERE OF I/We agree to set my/our hands to the represent the contents of which have been explained to understand by me/us this the

.....day..... 20.....

(Signature or Thumb Impression of client)

Accepted :

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.W.P. No. 26598 2015

MEMO OF PARTIES

1. Gurjant Singh Sc. Master S/o S.Teja Singh,
Govt. Sen. Sec. School, Daba, Teh. Juhla, Distt. Kaithal (Haryana)
R/o Dardi Colony, Samana, Distt. Patiala.
2. Raj Bala S.S. Mistress D/o Sh. Harphool Singh,
Govt. High School, Mehmudpur, Teh. Juhla, Distt. Kaithal.
R/o Ajaib Singh, Village Shahpur, P.O. Buzrake, Teh. Samana, Distt.
Patiala.
3. Baldev Singh Lect. Punjabi S/o Sh. Kartar Singh,
Govt. Sen. Sec. School, Dharsul Kalan, Teh. Tohana, Distt. Fatehabad.
R/o Toor Nagar, At Maryasaw, Tohana, Distt. Fatehabad.

...Petitioners

Versus

1. State of Haryana through its Principal Secretary, Department of Education,
Civil Secretariat, Haryana, Chandigarh.
2. Director, School Education, Haryana,
Shiksha Sadan, Sector 5, Panchkula, Haryana.
3. Director, Elementary Education, Haryana,
Shiksha Sadan, Sector 5, Panchkula, Haryana.

...Respondents

PLACE: CHANDIGARH
DATED: 17.12.2015

UMA
2015.12.24 13:52
Scanned True Copy of Original
PHHC, Chandigarh


(SUNNY SINGLA) & (RITI AGGARWAL)
P-1571-2008 P-3229-2008
ADVOCATES
COUNSEL FOR PETITIONERS

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(Authorized u/s 76 of Indian Evidence Act, 1872)
High Court of Pb. & Hr., Chandigarh.

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CIVIL WRIT PETITION under Article 226 of Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of writ of Certiorari or such other appropriate writ, order or directions quashing the impugned order dated 10.09.2014 & 11.09.2014 (P-12) whereby the claim of the petitioner for higher pay scale has been rejected, as patently illegal, arbitrary, malafide, unconstitutional;

And a writ in the nature of writ of Mandamus may be issued directing the respondent-department to pay the emoluments/ higher pay scale to the petitioners as the petitioners actually worked as Principal/Head Master in terms of the decision of this Hon'ble Court in R.S.A. No. 1539 of 1999 titled as Commissioner and Secretary to Government of Haryana, Industrial Training and Vocational Education, Chandigarh Vs. S. K. Bagga (Annexure P-4) and in terms of the decision in C.W.P. No. 4552 of 2003 titled as Darshan Singh & another V/s state of Punjab & ors. (P-6);

It is further prayed that this Hon'ble Court may issue any other writ, order or direction, as it may deem fit and proper on facts and in the circumstances of the present case.

RESPECTFULLY SHOWETH:

1. That the petitioners are citizen of India and resident of State of Punjab/Haryana and as such they are entitled to invoke the extraordinary writ jurisdiction of this Hon'ble High Court by way of filing the present writ petition under Article 226 of the Constitution of India.

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High Court of Pb. & Hr., Chandigarh.

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-26598-2015 (O&M)
Date of Decision: 12.03.2020

Gurjant Singh & others --Petitioners

Versus

State of Haryana & others --Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sunny Singla, Advocate for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioners herein were serving as Masters/Mistress/Lecturers under the Haryana State Education Department. Instant writ petition is directed against the orders dated 10.9.2014 and 11.9.2014 (both appended at Annexure P-12) passed by the Director, Secondary Education, Haryana declining the claim of the petitioners for release of pay and emoluments in respect of the higher post of Principal/Head Master against which the petitioners had been called upon to discharge their duties.

Counsel for the parties have been heard at length.

The categoric averment made in the petition as regards petitioners having worked against the higher post of Principal/Head Master over varying periods of time has not met with any specific rebuttal in the written statement. The orders appended as Annexures R-1 to R-6 along with the written statement would show that the petitioners had been called upon to exercise the powers of Drawing and Disbursing Officer in the capacity of Principal as also to look after the work of the schools mentioned against their names in addition to their own duties.

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High Court of Pb. & Hr., Chandigarh.

CWP-26598-2015 (O&M)

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In the reply, rejection of the claim of the petitioners is sought to be justified on the basis that there was a clear stipulation in the orders at Annexures R-1 to R-6 that the petitioners would continue to draw pay scales on the substantive post that they were holding.

In the considered view of this Court, the reasoning adopted in the impugned orders dated 10.9.2014 as also 11.9.2014 (Annexure P-12) cannot sustain.

It is by now well settled that the State shall now deny to its employees the pay and emoluments of a post against which such employees had been called upon to work. Reference in this regard may be made to the judgement of the Hon'ble Supreme Court in *P.Grover Vs. State of Haryana, 1983 AIR (SC), 1060*. The facts in *P.Grover's* case (supra) were that the appellant therein two years prior to attaining the age of superannuation had been given the officiating charge of District Education Officer. The Apex Court while admitting the claim of the appellant to be released the pay and emoluments of the higher post had observed that in the absence of any rule justifying refusal to pay to an officer promoted to a higher post, the salary of such higher post, the employee in question is entitled to be paid the salary of the post of District Education Officer against which she had officiated. It would be apposite to take note that even in the case of *P.Grover*, the order of promotion contained a superadded condition that she would continue to draw her own pay scale i.e. she would continue to draw her salary in the pay scale prior to promotion. In spite of such specific condition contained in the order of promotion and vesting the charge of the higher post of District Education Officer to P.Grover, she was held entitled to the salary of the higher post against which she had discharged the duties and responsibilities.

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CWP-26598-2015 (O&M)

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The dictum laid down in *P.Grover's* case (supra) has thereafter consistently been followed by this Court in a catena of judgements.

For the reasons recorded above, the impugned orders dated 10.9.2014 and 11.9.2014 (Annexure P-12) are set aside.

Petitioners herein are entitled to the pay and emoluments of the higher post of Principal/Head Master for the period they had actually discharged their duties and responsibilities of such post. The necessary financial benefits be calculated and be released to the petitioners within a period of four weeks from the date of receipt of a certified copy of this order.

Petition is allowed.

(TEJINDER SINGH DHINDSA)
JUDGE

12.03.2020
lucky

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No