

Dr. Krishan Lal

B.Sc., B.Ed., M.Com., M.A., M.Phil., Ph.D.
Retd. Lecturer Political Sc.

Near Himanshu Educational Hub, Ward No.9,
Chauri Gali, Budhlada - 151502 Distt. Mansa (Pb.)

www.Krishanahelp.com
drkrishan365@gmail.com | info@krishnahelp.com

98157-13297 / 70090-22962/63

84272-03297, 84272-03298

Office: 90410-13814 - 19 (6 Lines)

9815713297, 99150-31482

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

प्रधानाचार्य/प्रधानाध्यापक के उच्च पद के संबंध में वेतन और परिलब्धियां जारी करना, जिसके विरुद्ध उन्हें प्रधानाचार्य/प्रधानाध्यापक की हैसियत से आहरण और संवितरण अधिकारी (डीडीओ) की शक्तियों का प्रयोग करने के लिए कहा गया था।

प्रधानाचार्य/प्रधानाध्यापक के उच्च पद के संबंध में वेतन और परिलब्धियां जारी करना, जिसके विरुद्ध उन्हें पी.गोवर बनाम हरियाणा राज्य, 1983 एआईआर (एससी) में माननीय सर्वोच्च न्यायालय के निर्णय के अनुसार प्रधानाचार्य/प्रधानाध्यापक की क्षमता में आहरण और संवितरण अधिकारी (डीडीओ) की शक्तियों का प्रयोग करने के लिए कहा गया था, 1060. पी. गोवर के मामले (सुप्रा) में तथ्य यह थे कि अधिवर्षिता की आयु प्राप्त करने से दो साल पहले अपीलकर्ता को जिला शिक्षा अधिकारी का स्थानापन्न प्रभार दिया गया था। शीर्ष अदालत ने उच्च पद के वेतन और परिलब्धियों को मुक्त करने के अपीलकर्ता के दावे को स्वीकार करते हुए कहा था कि उच्च पद पर पदोन्नत अधिकारी को ऐसे उच्च पद के वेतन का भुगतान करने से इनकार करने को उचित ठहराने वाले किसी नियम के अभाव में, विचाराधीन कर्मचारी जिला शिक्षा अधिकारी के पद के वेतन का भुगतान करने का हकदार है, जिसके खिलाफ उसने कार्य किया था। आहरण और संवितरण अधिकारी प्रिंसिपल/हेड मास्टर के उच्च पद के वेतन और परिलब्धियों के हकदार हैं, जिस अवधि के लिए उन्होंने वास्तव में सीडब्ल्यूपी संख्या 2015 के 26598 गुरजंट सिंह और अन्य के माध्यम से इस तरह के पद के अपने कर्तव्यों और जिम्मेदारियों का पालन किया था। बनाम हरियाणा राज्य और अन्य। दिनांक 12.03.2020 को अनुमति दी गई और 1999 के आरएसए संख्या 1539 में इस माननीय न्यायालय के निर्णय के संदर्भ में, जिसका शीर्षक हरियाणा सरकार, औद्योगिक प्रशिक्षण और व्यावसायिक शिक्षा के आयुक्त और सचिव, चंडीगढ़ बनाम एसके बग्गा है। 2015 के सीडब्ल्यूपी संख्या 26598 में 2023 की सीओसीपी संख्या 2025 के संबंध में हलफनामे के माध्यम से बोलने का आदेश, गुरजंट सिंह और अन्य। (ग) हरियाणा राज्य और अन्य के मामले में माननीय उच्चतम न्यायालय ने हरियाणा राज्य और अन्य के मामले में महानिदेशक प्राथमिक शिक्षा हरियाणा, पंचकूला द्वारा 22.01.2024 को चंडीगढ़ में माननीय पंजाब और हरियाणा उच्च न्यायालय में जारी किया गया है। 69234 रुपये का भुगतान प्रधानाचार्य राजकीय सेन माध्यमिक विद्यालय, दारसुल कलां, जिला फतेहाबाद द्वारा बलदेव सिंह को किया गया है। फतेहाबाद 17.08.2004 से 28.02.2014 की अवधि के लिए चालान संख्या 0601080523106868 के खिलाफ वेतन आदेश संख्या 0601042682 के तहत डीडीओ (ड्राइंग और संवितरण अधिकारी) के रूप में कार्य किया। डॉ. कृष्ण लाल से मोबाइल नंबर 98157-13297, 99150-31482 और 90410-13814 से 19 (6 लाइनें) पर संपर्क करें।



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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. The Speaking Order by way of affidavit Regarding COCP No. 2025 of 2023 in CWP No. 26598 of 2015 Gurjant Singh & Ors. V/S State of Haryana and Ors. has been issued by Director General Elementary Education Haryana, Panchkula on 22.01.2024 in the hon'ble High Court of Punjab and Haryana at Chandigarh. The Payments of Rs/- 69234 has been done by Principal Govt. Sen. Sec. School, Darsul Kalan, Distt. Fatehabad Vide Pay Order No. 0601042682 against Invoice No. 0601080523106868 for the period 17.08.2004 to 28.02.2014 served as DDO (Drawing and disbursing Officer) **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/Appeallant
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 :

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High Court of Pb. & Hr., Chandigarh.

-33-

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

C.W.P. No. 10641 2013

MEMO OF PARTIES

1. Rajesh Kumar, Science Master, S/o Sh. Om Parkash
Govt. Sen. Sec. School, Barahi, Tehsil Bahadurgarh, Distt. Jhajjar
R/o # 1/114, Vikas Nagar, Railway Line Park, Bahadurgarh, Distt. Jhajjar
2. Sarta Kumari, Math Mistress, D/o Sh. Gian Chand
Govt. High School (Girls), Barahi, Tehsil Bahadurgarh, Distt. Jhajjar
R/o #636/B, Gali No. 2, Dayanand Nagar, Bahadurgarh, Distt. Jhajjar
3. Anita Rani, S.S. Mistress D/o Sh. Dalip Singh
Govt. High School, Birbarktabad, Tehsil Bahadurgarh, Distt. Jhajjar
R/o #535, Sector 6, Bahadurgarh, Distt. Jhajjar
4. Kaplan Singh, Lect. History, S/o Sh. Suraj Bhan
Govt. Sen. Sec. School, Daboda Khurd, Tehsil Bahadurgarh, (Jhajjar)
R/o Gali No. 5, Dev Nagar, Near I.T.I. Bahadurgarh, Distt. Jhajjar
5. Anil Kumar, Lect. Economics, S/o Sh. Mehar Chand
Govt. Sen. Sec. School, Jakhai Mandi, Distt. Fatehabad
R/o #868, Near Jain Medical Hall, Jindal Road, Jakhai Mandi, Distt.
Fatehabad
6. Ashwani Kumar Sharma, Lect. English, S/o Sh. Lahori Ram
Govt. Sen. Sec. School, Jakhai Mandi, Distt. Fatehabad
R/o #787, Sharma Villa, Master Colony, Jakhai Mandi, Distt. Fatehabad
7. Ranbir Singh, Math Master, S/o Sh. Inder Singh
Govt. Sen. Sec. School, Jakhai Mandi, Distt. Fatehabad
R/o #83, Mulazam Colony, Barela, Distt. Mansa (Pb.)
8. Avtar Singh, Science Master, S/o Sh. Bira Singh
Govt. Sen. Sec. School, Jakhai Mandi, Distt. Fatehabad

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High Court of Ph. & H., Chandigarh.

-35-

5

CIVIL WRIT PETITION under Article 228 of Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of writ of **Mandamus** may be issued directing the respondent-department to pay the higher pay scale to the petitioners as the petitioners actually worked as Principal/Head Master, Class-I 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-5);

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
2. That the petitioners are working as Lecturer/Masters in the department of School Education, Haryana. They are/were posted on the higher post as Principle/Head Master i.e. Post of Class-I, for the period mentioned in the service record. The copy of the order for DDO power dated 14.07.1997 of one of the petitioners are annexed as ANNEXURE P-1. For the kind perusal of this Hon'ble High Court the date of joining,

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High Court of P. & H. Chandigarh.

31-

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.10641 of 2013 (O&M)
Date of Decision: 16.5.2013

Rajesh Kumar & others

--Petitioners

Versus

State of Haryana & others

--Respondents

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

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

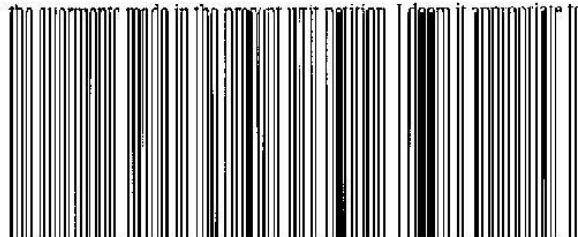
TEJINDER SINGH DHINDSA,J

The petitioners are serving as Masters/Mistresses/Lecturers under the Haryana State Education Department. The present writ petition has been filed claiming the pay and emoluments in respect of the higher post of Principal/Head Master against which the petitioners have discharged their duties. The details in relation to each one of the petitioners as regards the period for which they had been called upon to discharge the duties and responsibilities of the higher post have been tabulated in para 2 of the writ petition.

It is well settled that the State shall not deny to its employee the pay and emoluments of a post against which such employee has been called upon to work.

Learned counsel for the petitioners has further placed reliance upon a judgement of this Court dated 17.2.2009 passed in CWP No. 2441 of 1993 titled as Lachhman Dass Vs. State of Punjab & another (Annexure P-7), whereby identical claim had been allowed.

Without making any observations as regards the correctness of



PUNJAB AND HARYANA HIGH COURT

"Sd/-"

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High Court of P.S. & H., Chandigarh

-32-

CWP No.10641 of 2013 (O&M) -2-

dispose of the present writ petition with a direction to respondent no.2 to consider the claim of the petitioners and to take a final decision on the representation dated 7.1.2013 (Annexure P-2) strictly in accordance with law and by passing a speaking order within a period of four months from the date of receipt of a certified copy of this order.

Petition disposed of.

"Sd/-"

(TEJINDER SINGH DHINDSA)
JUDGE

PUNJAB AND HARYANA HIGH COURT

16.5.2013
lucky

OFFICE OF DIRECTOR ELEMENTARY EDUCATION, HARYANA, PANCHKULA

Order No. 17/75-2014 HRM-II (1)

Dated, Panchkula, the 11.9.14

Whereas, Sh. Rajesh Kumar & others had filed CWP No. 10641 of 2013 in the Hon'ble Punjab and Haryana High Court and prayed therein for directing the respondent-department to pay the higher pay scale to the petitioners, for the period the petitioners actually worked as Principal/Headmaster, Class-I 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-5).

This writ petition was disposed by the Hon'ble Court vide order dated 16.05.2013. operative part of which is here reproduced as under :-


"The petitioners are serving as Masters/Mistress/Lecturers under the Haryana State Education Department. The present writ petition has been filed claiming the pay and emoluments in respect of the higher post of Principal/Headmaster against which the petitioners have discharged their duties. The details in relation to each one of the petitioners as regards the period for which they had been called upon to discharge the duties and responsibilities of the higher post have been tabulated in para 2 of the writ petition.

It is well settled that the State shall not deny to its employee the pay and emoluments of a post against which such employee has been called upon to work.

Learned counsel for the petitioners has further placed reliance upon a judgement of this Court dated 17.02.2009 passed in CWP No. 2441 of 1993 titled as Lachhman Dass Vs. State of Punjab & another (Annexure P-7), whereby identical claim had been allowed.

Without making any observations as regards the correctness of the averments made in the present writ petition, I deem it appropriate to dispose of the present writ petition with a direction to respondent No. 2 to consider the claim of the petitioners and to take a final decision on the representation dated 07.01.2013 (Annexure P-2) strictly in accordance with law and by passing a speaking order within a period of four months from the date of receipt of a certified copy of this order.

Petition dispose of."

 In compliance of the aforesaid direction of the Hon'ble Court, the claim of the petitioners no. 1,2,5,6,7,10 and 11 has been considered by the undersigned at present being in-charge of the Elementary Education, Haryana.

In this matter the petitioners are claiming the Higher Pay Scale for the period, the petitioner actually work as Principal or Headmaster, Class-I, in terms of the decision rendered by the Hon'ble High Court in RSA No. 1539 of 1999. But this claim of the petitioner is not maintainable due to the following reason:-

1. Petitioner No. 1,2,5,6,7,10 and 11 were only allowed to exercise the powers of drawing and disbursing officers in their own pay scale to look after the work of the schools in addition to their present duties till the joining of regular

Principal. It is specifically mentioned in the order that they will not exercise the statutory powers and claim no seniority and privilege by virtue of this order as per their undertaking. They have only to draw the salary of staff and not actually exercised the work assigned to Principals.

2. The petitioners have placed their reliance upon the judgement dated 17.02.2009 titled as Lachhman Dass Vs. State of Punjab of the Hon'ble Punjab and Haryana High Court, wherein as per their version, similar issue was involved, thus they are entitled for higher pay scale in view of the above referred judgement. However, after going through the facts and circumstances of this case, it has been observed that the facts and circumstances of the present case are entirely different and ratio of the above judgement is also not applicable in the present matter.

Keeping in view the facts explained above, the claim of the petitioners is not tenable and the same is hereby rejected.

I, pass an order accordingly.

o/c
(VIVEK ATRAY)
DIRECTOR, ELEMENTARY EDUCATION,
HARYANA, PANCHKULA

Regd.
To

1. Sh. Rajesh Kumar Science Master S/o Om Parkash
Govt. Sr. Sec. School Barahi Tehsil Bahadurgarh Distt. Jhajjar
R/o H.No. 1/114 Vikas Nagar, Railway Line park Bahadurgarh Distt. Jhajjar.
2. Sarita Kumari Math Mistress D/O Sh. Gian Chand Govt. High School(Girls),Barahi Tehsil Bahadurgarh. Distt. Jhajjar R/O H.No 636/8 Gali No 2 Dayanand Nagar Bahadrgarh Distt. Jhajjar.
3. Ranbir Kumar Math Master S/o Sh Inder Singh Govt. Senior Secondary School Kakhal Mandi Distt. Fatehabad R/O H.No 83 Mulazam Colony Baretta Distt. Mansa.
4. Ashok Kumar Science Master S/O Sh. Lekh Ram. Govt. High School Meond Kalan Tehsil Tohana Distt. Fatehabad. R/O H.No 958, Jindal Road Jindal Colony Jakhal Mandi Distt. Fatehabad.
5. Vipin Rani Hindi Teacher S/O Sh. Kewal Krishan Govt. High School Khararpura Tehsil Distt. Fatehabad R/O H.No 578, Master Colony Jakhal Mandi Distt. Fatehabad.
6. Gurjant Singh Sciece Master S/O Sh. Teja Singh Govt. Senior Secondary School Daba, Teshil Juhla Distt. Kaithal R/O Dardi Colony Samana Distt. Patiala.
7. Raj Bala S.S. Mistress D/O Sh. Harphool Singh Govt. High School Mehmodpur Tehsil Juhla Distt. Kaithal R/O Village Shahpur P.O. Buzraka Tehsil Sama Distt. Patiala.

Endst. No. Even

Dated, Panchkula, the

A copy of this order is forwarded to District Education Officer, Fatehabad for information and necessary action.

de
Assistant Director HRM-II
For Director Elementary Education
Haryana, Panchkula
11/9/14

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

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2015.12.24 13:52
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PHHC, Chandigarh


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

- 2 -

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High Court of Pb. & Hr., Chandigarh.

4

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.

-3-

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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.

-4-

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High Court of Pb. & Hr., Chandigarh.

CWP-26598-2015 (O&M)

-2-

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.

— 5 —
CWP-26598-2015 (O&M)

-3-

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

IN THE HON'BLE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

COCP No. 2025 of 2023

IN

CWP No. 26598 of 2015

Gurjant Singh and Others

.....Petitioners

VERSUS

Sh. Rajesh Khullar, IAS and Others

.....Respondents

INDEX

Sr. No.	Particulars	Dated	Pages
1.	Short reply by way of affidavit of Dr R.S. Dhillon, Director General Elementary Education, Haryana, Panchkula (Respondent No.3).	22-1-24	I-4
2.	Annexure R-1	10.01.2024	5
3.	Annexure R-2	07.11.2023	6
4.	Annexure R-3	31.10.2023	7

Place: Panchkula

Dated: 22-1-24



Deponent

(Dr R.S. Dhillon)

Director General Elementary Education
Haryana, Panchkula

IN THE HON'BLE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

COCP No. 2025 of 2023

IN

CWP No. 26598 of 2015

Gurjant Singh and Others

.....Petitioners

VERSUS

Sh. Rajesh Khullar, IAS and Others

.....Respondents

Short reply by way of affidavit of Dr R.S. Dhillon, Director General Elementary Education, Haryana, Panchkula (Respondent No. 3).

I, the above named deponent, do hereby solemnly affirm and state as under:-

Respectfully Showeth:-

1. That Sh. Ashok Kumar Garg relinquished the charge of Director Elementary Education, Haryana, Panchkula on 21.08.2023 in compliance of the Government orders and the deponent assumed the charge of Director Elementary Education, thus filing short reply by way of affidavit before the Hon'ble Court in the capacity of Director General Elementary Education, Haryana.
2. That the petitioners have filed the present contempt for non-compliance of the order dated 12.03.2020 passed by this Hon'ble Court in CWP No 26598 of 2015 titled as Gurjant Singh & Others Vs. State of Haryana and Others (P-1). An operative part of the judgment dated 12.03.2020 is reproduced here as under:

"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

3. That it is submitted that in compliance of above mentioned orders dated

regard may be made to 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. 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.

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

3. That it is submitted that in compliance of above mentioned orders dated 12.03.2020 passed in CWP No. 26598 of 2015 titled *Gurjant Singh and Others Vs State of Haryana and others*, the requisite benefit have already been given to

all petitioners. However, the service particulars, period and amount etc. of the petitioners are reproduced below in the table:-


Sr. No	Name	Post & Date of Joining	Period served as DDO (Drawing and Disbursing Officer)	Amount released for period in Rs.	Remarks
1.	Gurjant Singh	Science Master 27.09.1983	17.08.2004 to 28.02.2014	Already getting the benefit.	The petitioner was given the benefit of salary of HSS (Higher Standard Scale) after 10 years regular satisfactory service of Rs. 6500-9900 w.e.f 01.11.1996 and 2 nd ACP of Rs. 9300-34800 with Grade Pay Rs. 5400 was granted w.e.f 01.11.2006. The petitioner was also granted 3 rd ACP on the pay scale of Rs. 9300-34800 with Grade Pay of Rs. 6000 w.e.f. 04.03.2014. It is also pertinent to mention here that the petitioner was already working on a higher pay scale than the post of Head Master of Government High School which Rs 9300-34800 with Grade Pay of Rs. 6000 till the date of his promotion. A Copy of letter sent by District Education Officer, Kaithal

					dated 10.01.2024 is attached herewith as Annexure R-1
2.	Raj Bala	SS Mistress 20.01.1990	28.09.1995 to 20.01.1996	3,625/-	The copy of pay order is attached as Annexure R-2.
3.	Baldev Singh	PGT Punjabi 09.12.2004	01.07.2008 to 09.01.2009 and 13.12.2012 to 29.02.2016	69,234/-	The copy of pay order is attached as Annexure R-3.

4. That the answering deponent has not committed willful disobedience/violation of orders dated 12.03.2020. However, the deponent tenders his unqualified and unconditional apology for any act of commission or omission to this Hon'ble High Court and the deponent has the highest respect and regard for the orders passed by this Hon'ble High Court.

Keeping in view of the submission made above, it is therefore, respectfully prayed that the present contempt petition may kindly be dismissed in the interest of justice and rule of nisi may be discharged.


Place: Panchkula
Dated: 22-1-24


Deponent
(Dr R.S. Dhillon)
Director General Elementary Education
Haryana, Panchkula

VERIFICATIONS:-

Verified that the contents of para no. 01 to 04 of my affidavit are true and correct to the best of knowledge and based on the information derived from the official record which I believe to be correct. No part of it is false and nothing relevant has been concealed therein.

Place: Panchkula
Dated: 22-1-24

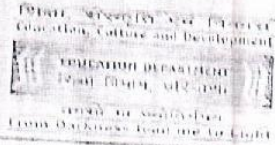

Deponent
(Dr R.S. Dhillon)
Director General Elementary Education
Haryana, Panchkula



GOVERNMENT OF HARYANA / हरियाणा सरकार

District Education Officer, Kaithal

जिला शिक्षा अधिकारी, कैथल



Off: DIET Building, Jind Road Kaithal 136927. Telephone: 01746-232477
E-mail: kaithaldeo@gmail.com, deosectla@hry.nic.in

Noting

Subject: COCP No. 2025 of 2023 in CWP No. 26598 of 2015- Gurjant Singh & Others Vs State of Haryana & Others.

Shri Gurjant Singh, (Science Master) whose appointment date is 27.09.1983 and Regular on Dated 01-11-1986 The employee was given the benefit of HSS after 10 Years (6500-9900 on 01.11.1996) and 2nd ACP Granted on 01-11-2006 Grade Pay 5400, 3rd ACP Granted on 04-03-2014 as Grade Pay 6000. Drawing and disbursing power of Headmaster were given to the employee on dated 06-08-2004 to 28-02-2014. The employee was already working in a higher pay scale till the date of promotion. The complete matter presented for the respectful order of the Officer.

DEO

[Signature]

SO

[Signature]

[Signature]

Subdt.

[Signature]

[Signature]
Dealing

ATTESTED

[Signature]

Superintendent
Director Elementary Education
Haryana, Panipat

Major Head :2202 DDO Code :0810

PAY ORDER

Issue Date :07/11/2023
Valid Till:17/11/2023

Signed by RAJIV SINGH KOCHHAR
Designation: principal, gsss daba
Signed on: 07-11-2023 05:03 PM
SCHOOL EDUCATION HARYANA

No. 1401027332
for payment through ECS/RTGS/NEFT
(This pay order contains 1 pages.)
Page 1 of 1

This pay order should not be
folded

Created by DIVA 5.6/04
Escrowable as per
Guidelines: 02/11/2011 05:00 PM
© - TREASURY AND ACCOUNTS DEPARTMENT

State Bank of India
(Formerly SBOP)
Treasury Branch, Gulha



Pay Rs. 3625/- (Three Thousands Six Hundred and Twenty Five Only.)

(under Rs.3625/-)

Payment not to be made without proper identification of the authorized messenger.
Credit the amount in accounts of persons through ECS/RTGS/NEFT as per following Invoice No. 1401031023114.
invoice, duly signed by T.O. and endorsed by DDO.

Token No. Scheme	Payee's Name (Code)	Account No.	IFSC/MICR	ECS/NEFT/RTGS Amount(Rs.)	RTR Amt.	Bank
1401112023000106 2202-01-101-58-58	RAJ BALA 0C3R03	05010164656	SBIN0050096	3625.00	0	SBIN0050096 GUHLAC/00 MANDA
Bill Total Amount: 3625.00					0	
Total EPS Amount : 3625/-					0	

Invoice has been made available online and needs to be verified by DDO before submitting this pay order in bank for payment.

Endorsement from DDO

The bank account and amount details of persons mentioned above are correct.
I have pay amount of Rs. 3625/- (Three Thousands Six Hundred and Twenty Five Only.) as per the details in pay order.
I have issue RTRs of Rs.0/- (Only) in name of the persons as per list attached and hand to _____ whose specimen signature duly attested are given below.

Signature & Stamp
Assit. Treasury Officer Gulha

Signature & Stamp DDO : Head Master
High School Daba Kaithal

tear it from here

Acknowledgement for DDO

Received pay order of Rs. 3625/- (Three Thousands Six Hundred and Twenty Five Only.)

and 1 no. of pages from Assit. Treasury Officer Gulha

ATTESTED

Ashok K

Superintendent
Director Elementary Education
Harvana, Panchkula

- 7 -

Annexure R-3

Head :2202 DDO Code :0805

Signed by SURENDER PAL
Designation: DDO
Signed on: 31-10-2023 10:32 AM
O = SCHOOL EDUCATION HARYANA

PAY ORDER

Issue Date :31/10/2023
Valid Till:10/11/2023

This pay order should not be folded

No. 0601042682
for payment through ECS/RTGS/NEFT
(This pay order contains 1 pages)
Page 1 of 1

Signed by BALBIR SINGH
Designation: etc
Signed on: 31/10/2023 10:22 AM
O = TREASURY AND ACCOUNTS DEPARTMENT HARYANA

State Bank of India
Treasury Branch,
Tohana



Pay Rs. 69234/- (Sixty Nine Thousands Two Hundred and Thirty Four Only.)

Payment not to be made without proper identification of the authorized messenger.
Credit the amount in accounts of persons through ECS/RTGS/NEFT as per following Invoice No. 0601080523106868
invoice, duly signed by T.O. and endorsed by DDO. (under Rs.69235/-)

SN	Token No. o. /Scheme	Payee's Name (Code)	Account No.	IFSC/MICR	ECS/NEFT/RTGS Amount(Rs.)	RTR Amt.	Bank
1	0601102023001213 2202-02-109-99-98	BALDEV SINGH 011H54	31227469703	SBIN0001072	69234.00	0	SBIN0001072, FATEHABAD
Bill Total Amount:					69234.00	0	
Total EPS Amount :					69234/-	0	

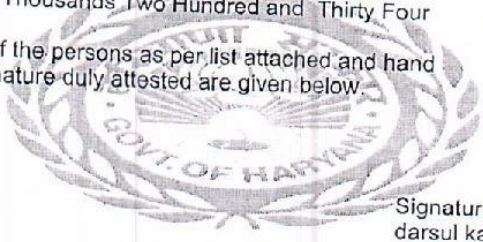
Note: Invoice has been made available online and needs to be verified by DDO before submitting this payorder in bank for payment.

Endorsement from DDO

The bank account and amount details of persons mentioned above are correct.
Please pay amount of Rs. 69234/- (Sixty Nine Thousands Two Hundred and Thirty Four Only.) as per the details in pay order.
Please issue RTRs of Rs.0/- (Only) in name of the persons as per list attached and hand over to _____ whose specimen signature duly attested are given below.

Signature & Stamp
Asstt. Treasury Officer Tohana

Date:



Signature & Stamp DDO : principal gssd
darsul kalan

tear it from here

Acknowledgement for DDO

Received pay order of Rs. 69234/- (Sixty Nine Thousands Two Hundred and Thirty Four Only.)
containing 1 no. of pages from Asstt. Treasury Officer Tohana
Date:

Pay Order No. 0601042682 against Invoice No. 0601080523106868

Signature & Stamp of Bank

ATTESTED

Ashok Kumar

Superintendent
Director Elementary Education
Haryana, Panchkula



Regd. No. UDYAM-PB-13-0011743

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📞 98157-13297, 99150-31482



Dr. Krishan Lal

B.Sc., B.Ed., M.Com., M.A., M.Phil., Ph.D.

Retd. Lecturer

Registered Concern:



✉ drkrishan365@gmail.com
info@krishnahelp.com
🌐 www.Krishnahelp.com



Krishana Group



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