

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S  
C I V I L A P P E A L N O ( s ) . 2 9 0 9 - 2 9 1 1 O F 2 0 0 1

STA T E O F H A R Y A N A A N D A N R .

Appellant (s)

V E R S U S

S A T Y A P A L S I N G H & O R S

Respondent(s)

Date: 1 3 / 1 1 / 2 0 0 7 These Appeals were called on for hearing today.

CORAM :

HON' B L E M R . J U S T I C E H . K . S E M A  
HON' B L E M R . J U S T I C E A F T A B A L A M

For Appellant(s)

Mr. Shish P al Laler, Adv.  
Mr. T.V.George, Adv.

For Respondent(s)

Mr. Balbir Singh Gupta, Adv.

UPON hearing counsel the Court made the following  
O R D E R

We see no infirmity in the order passed by the Division Bench  
which warra nts our interference. This appeal, being devoid of merit,  
is, accordingly, dismissed in terms of the signed order.

( Ravi P. Verma )  
Court Master

( Neeru Bala Vij )  
Court Master

[Signed order is placed on the file]  
I N T H E S U P R E M E C O U R T O F I N D I A

C I V I L A P P E L L A T E J U R I S D I C T I O N

C I V I L A P P E A L N O . 2 9 0 9 - 2 9 1 1 O F 2 0 0 1

STA T E O F H A R Y A N A & A N R .  
L A N T ( S )

.....A P P E L

Versus

S A T Y A P A L S I N G H & O R S . E T C . E T C .  
D E N T ( S )

.....R E S P O N

O R D E R

This appeal is filed by the State of Haryana aggrieved by the  
order dated 27/4/ 1 9 9 8 passed by the Division Bench  
in C W P  
No.1 5 7 1 2 / 1 9 9 7 .

We have heard the parties.

The facts leading to the filing of the present appeal may be summarily recited. The respondents were working as Language Teachers in the Department of Industrial Training and Vocational Education in the pay scale of Rs.1 4 0 0 - 2 6 0 0 . Some teachers filed writ petition No.1 6 5 4 3 / 1 9 9 0 claiming pay parity with the Lecturers(School Cadre). They claimed parity in the scale of Rs. 1 6 4 0 - 2 9 0 0 from 1/ 1 / 1 9 8 6 and Rs. 2 0 0 0 - 3 5 0 0 from 1/ 5 / 1 9 9 0 . Writ Petition allowed by learned single Judge on 1 5 / 7 / 1 9 9 2 . The State preferred an L P A before the Division Bench without any result. Ultimately SLP was filed before this Court which was dismissed upholding the judgment of learned single Judge. This Court held that the pay of the petitioners would be fixed in the pay scale of Rs.1 6 4 0 - 2 9 0 0 w.e.f. 1/ 1 / 1 9 8 6 and in the pay scale of Rs. 2 0 0 0 - 3 5 0 0 from 1/ 5 / 1 9 9 0 . This Court, however, directed that the payment of arrears would be confined only w.e.f. 1 5 / 7 / 1 9 9 2 , which was the date of the judgment of learned single Judge.

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It appears, pursuant to the order of the High Court and this Court, the Government of Haryana vide Memo No.1 3 / 1 6 / 9 7 - 4I P dated 3/ 9 / 1 9 9 7 granted arrears of pay from 1/ 1 / 1 9 9 6 and 1/ 5 / 1 9 9 6 respectively to be extended to all Language Teachers of the Vocational Education Institutes and fixed the actual arrears of the revised scale from 15/7/ 1 9 9 2 which is to be extended only to the petitioners concerned in terms of the judgment dated 1 5 / 7 / 1 9 9 2 passed by learned single Judge. So far the others are concerned, the arrears sought to have been effective from 3/ 9 / 1 9 9 7 . Aggrieved by this order, the writ petitioners- respondents approached the High Court. The High Court, by its impugned order, held that the question of law had been set at rest by this court. The High Court by impugned order directed the appellant to pay the arrears from 1 5 / 7 / 1 9 9 2 in the revised pay scales.

It is contended by the counsel for the appellant that the order dated 3/ 9 / 1 9 9 7 in regard to the payment of arrears from 1 5 / 7 / 1 9 9 2 is confined to the writ petitioners only. He further contended that so far with regard to others, they are entitled to the payment of arrears only from 3/ 9 / 1 9 9 7 , the date on which the order was passed. This contention, in our view, is contrary to the material placed on record.

Respondent has filed additional affidavit. In the additional affidavit the order of the High Court dated 6/ 8 / 1 9 9 7 passed in CW P No.1 3 4 2 1 / 1 9 9 7 has been annexed. In the order dated 6/ 8 / 1 9 9 7 , the High Court directed that on the basis of the Supreme Court directions the petitioner shall be entitled to the arrears of salary on revision of higher scale w.e.f. 1 5 / 7 / 1 9 9 2 . It is stated in the additional affidavit that the State has made the payment of full arrears to the

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petitioners in CW P No.1 3 4 2 1 / 1 9 9 7 w.e.f. 1 5 / 7 / 1 9 9 2 . It appears tha  
t  
the order dated 6/ 8 / 1 9 9 7 passed in CW P NO.1 3 4 2 1 / 1 9 9 7 has not been  
assailed by the State. Also the full arrear s has been paid to the writ  
petitioners w.e.f. 1 5 / 7 / 1 9 9 2 . It has attained finality.

For the reasons aforestated, it cannot be said that arrear s of pay  
payable to the writ petitioners from 1 5 / 7 / 1 9 9 2 is confined to those writ  
petitioners only. The direction of the Court is not in persona m.

It is

in  
rim. Therefore, the respondents herein are also entitled to get the  
arrear s of pay w.e.f. 1 5 / 7 / 1 9 9 2 . We see no infirmity in the order  
passed by the Division Bench which warrants our interference.

Thi

s  
appeal, being devoid of merit, is, accordingly, dismissed.

.....J.  
( H.K. S E M A )

New Delhi;  
November 1 3, 2 0 0 7 .

.....J.  
( AF T A B ALA M )