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SLP(C)No. 17589 OF 2000

ITEM No.201

Court No. 8

SECTION IVB  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.17589/2000  
(From the judgement and order dated 02/05/1997 in CM 19299/96  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

MALA RAM & ANR.

Petitioner (s)

VERSUS

STATE OF HARYANA & ORS.

Respondent (s)

(With prayer for interim relief)  
( For Final Disposal )

Date : 22/03/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI  
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Petitioner (s) Mr. Manohar Lal,adv.  
Mr. Dinesh Verma,adv.  
Ms. Suresh Kumari,adv.  
Mr. A.P. Mohanty,Adv.

For Respondent (s) Mr. J.P. Dhanda,Adv.  
Mr. K.P.Singh,adv.

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

.....L.....I.....T.....T.....T.....T.....T.J  
.SP2

Leave granted.  
The appeal stands disposed of.

.SP1

(Suman Wadhwa)  
Court Master

(Radha Rani Bhatia)  
Court Master

Signed order is placed on the file.

.PA  
.PL55

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2002@@  
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC  
(Arising out of SLP(C)No. 17589/2000)

Mala Ram & Anr. ...Appellants

Vs.

State of Haryana & Ors. ...Respondents

ORDER@@  
CCCCC

.SP2  
.....L.....I.....T.....T.....T.....T.....T.J

Leave granted.

This appeal by special leave against the order dated May 2, 1997 whereby the High Court has clarified the scope by its earlier order dated 14.9.1994 passed in CWP No.15630 of 1983.

By order dated 14.9.1994 the High Court allowed the writ petition filed by the appellants and directed the pay scales of the petitioners to be revised and arrears to be paid. This writ of the court was complied with and payment was made. The State Government then filed an application seeking clarification of the order by submitting that the order did not specify from which date and for which period the arrears have to be paid. By order dated May 2, 1997 the High Court clarified that the arrears payable shall be confined to a period of 38 months. Obviously, it meant that period of 38 months was to be calculated up to the

date of filing of the writ petition. Having heard the learned counsel for the parties we are of the opinion that no fault can be found with the impugned order. However, the appellants are teachers some of whom have retired and to direct recovery of arrears already paid holding a part of payment to have been made in excess in the light of the order of clarification subsequently given on 2nd May, 1997 would entail undue hardship to the appellants. Therefore, although we uphold the correctness of the impugned order of the High Court but at the same time we direct that no part of the arrears already paid to the appellants in compliance with the order dated 14/9/1994 shall be liable to be recovered.

The appeal stands disposed of in the above said terms.

.SP1  
.....J.  
(R.C.Lahoti)

.....J.  
(P. Venkatarama Reddi)

New Delhi;  
March 22, 2002.