

Adhoc Relief Cut MatterCOURT CASES/
MOST IMPORTANT/
DATE BOUND

From

The Additional Chief Secretary to Govt. Haryana
Finance Department

To

1. The Chief Secretary to Government Haryana (Estb.-I/II/III).
2. All the Administrative Secretaries to Government Haryana.
3. The Registrar General, Punjab and Haryana High Court Chandigarh.
4. All Head of Departments in Haryana.
5. All the Commissioners of Divisions, Ambala, Karnal, Faridabad, Gurugram, Hisar and Rohtak.
6. All Deputy Commissioner and Sub Divisional Officers (Civil) in Haryana.

No.124/02/2019-1FR/9037

Dated : 04.07.2024

Subject : To take action in all pending CWPs/LPAs related to adhoc relief cut matters in terms of judgement dated 20.02.2020 passed by the Hon'ble Punjab and Haryana High Court in CWP No.1426 of 2020 – Mahabir Singh & others Vs. State of Haryana & Others and judgement dated 06.03.2024 passed in CWP No.1505 of 1998 – Tara Chand Verma & others Vs. State of Haryana & others.

Kindly refer to FD's earlier instructions No.24/02/2019-1FR/21434 dated 11.11.2019, No.24/02/2019-1FR/32201 dated 11.05.2020, No.181/02/2019-1FR(FD)/10622 dated 25.06.2020 and No.124/02/2019-1FR(FD)/21619 dated 12.10.2023.

2. In this context, it has already been informed by the Finance Department in para-8 of FD's earlier instructions No.24/02/2019-1FR/32201 dated 11.05.2020 that Hon'ble Punjab and Haryana High Court has dismissed CWP No.1426 of 2020 – Mahabir Singh & Others Vs. State of Haryana & anothers vide judgement dated 20.02.2020 and it was requested that concerned departments shall mention this judgement in preliminary submissions of reply in pending CWPs and try to get the same disposed of accordingly. The same were reiterated vide FD's instructions No.124/02/2019-1FR(FD)/21619 dated 12.10.2023

3. After said judgement dated 20.02.2020, following CWPs and LPAs have also been dismissed by the Hon'ble Punjab and Haryana High Court:-

Sr.No.	CWP No. & Year	Title	CWP dismissed vide orders	LPA dismissed vide orders
i.	No.1426 of 2020	Mahabir Singh & others Vs. State of Haryana & Others	20.02.2020	LPA No.222 of 2020 dismissed as withdrawn vide judgement dated 06.07.2022.
ii.	No.36347 of 2019	Girdhari Lal and others Vs. State of Haryana & Others	20.02.2020	--

iii.	No.4261 of 2020	Ishwar Singh Sangwan and others Vs. State of Haryana & Others	20.02.2020	LPA No.194 of 2022 dismissed as withdrawn vide judgement dated 06.07.2022. CM-13760-CWP-2022 in/and RA-CW-195-2022 were also dismissed on merit vide judgement dated 07.09.2022.
iv.	No.28381 of 2019	Jai Singh Vs. State of Haryana & Others	20.02.2020	LPA No.255 of 2021 was filed and the same was dismissed on merit vide judgement dated 04.03.2021.
v.	No.25777 of 2019	Jagan Nath and others Vs. State of Haryana & Others	20.02.2020	LPA No.149 of 2022 dismissed as withdrawn vide judgement dated 06.07.2022. CM-14400-CWP-2022 in/and RA-CW-203-2022 were also dismissed vide judgement dated 19.09.2022.
vi.	No.37042 of 2019	Tara Chand and others Vs. State of Haryana & Others	20.02.2020	LPA No.882 of 2021 was dismissed as withdrawn vide judgement dated 06.07.2022.
vii.	No.29757 of 2019	Kapoor Chand and another Vs. State of Haryana & Others	20.02.2020	LPA No.873 of 2021 was dismissed as withdrawn vide judgement dated 06.07.2022.
viii.	No.29774 of 2019	Gian Chand Bhalla and others Vs. State of Haryana & Others	20.02.2020	LPA No.985 of 2021 was dismissed as withdrawn vide judgement dated 06.07.2022.
ix.	No.31260 of 2019	Partap Singh Yadav and others Vs. State of Haryana & Others	20.02.2020	--
x.	No.29672 of 2019	Ved Parkash & others Vs. State of Haryana & Others	20.02.2020	LPA No.115 of 2022 dismissed as withdrawn vide judgement dated 06.07.2022. LPA No.255 of 2021 was dismissed as withdrawn vide judgement dated 06.07.2022. CM-14400-CWP-2022 in/and RA-CW-203-2022 were also dismissed vide judgement dated 19.09.2022.
xi.	No.31980 of 2019	Om Parkash and others Vs. State of Haryana & Others	20.02.2020	LPA No.499 of 2022 was dismissed as withdrawn vide judgement dated 18.10.2022.
xii.	No.25345 of 2019	Chander Bhan & others Vs. State of Haryana & Others	20.02.2020	--
xiii.	No.34741 of 2019	Randhir Singh and others Vs. State of Haryana & Others	20.02.2020	LPA No.1053 of 2021 was dismissed as withdrawn vide judgement dated 06.07.2022.
xiv.	No.34811 of 2019	Gajjan Singh and others Vs. State of Haryana & Others	20.02.2020	LPA No.1145 of 2021 was dismissed as withdrawn vide judgement dated 06.07.2022.
xv.	No.34847 of 2019	Babu Ram and others Vs. State of Haryana & Others	20.02.2020	LPA No.1220 of 2021 was dismissed as withdrawn vide judgement dated 06.07.2022.
xvi.	No.37042 of 2019	Babu Ram and others Vs. State of Haryana & Others	20.02.2020	LPA No.882 of 2021 was dismissed as withdrawn vide judgement dated 06.07.2022.
xvii.	No.4255 of 2020	Om Parkash and others Vs. State of Haryana & Others	20.02.2020	LPA No.126 of 2022 was dismissed as withdrawn vide judgement dated 06.07.2022.

				CM-13500-CWP-2022 in/and RA-CW-190-2022 were also dismissed vide judgement dated 05.09.2022.
xviii.	No.1505 of 1998	Tara Chand Verma and others Vs. State of Haryana & Others	06.03.2024	--

4. Now, Hon'ble High Court has also passed following judgement on 06.03.2024 in CWP No.1505 of 1998 – Tara Chand Verma & others Vs. State of Haryana & others:-

“The petition has been filed, inter alia, seeking a writ of certiorari quashing paragraphs no.3 and 4 of the government order dated 20.3.1974, regarding grant of additional Dearness Allowance (DA) to Haryana Government employees. It permits deduction of excess amount of DA paid to the employees in a phased manner.

2. Learned State counsel contends that the issue at hands stands decided by the Supreme Court in State of Haryana and another v. O.P. Sharma and others, 1993 Suppl. (2) SCC 386, holding that recovery of excess amount of DA paid to the employees in a phased manner in terms of impugned order dated 20.3.1974, cannot be termed arbitrary or unreasonable. Therefore, the relief claimed cannot be granted to the petitioners.

3. Since the impugned order has already been upheld by the Supreme Court, nothing survives for adjudication.

4. Dismissed.

5. Pending miscellaneous application(s), if any, stands disposed of accordingly.”

5. In view of above, it is hereby again advised to go through various instructions of the Finance Department and judgements, referred to above, and get the pending CWPs/LPAs dismissed from the Hon'ble High Court in consultation with departmental officers (SAS & Attorney cadre) as well as Shri R.D. Sharma, DAG O/o Advocate General, Haryana (who is well conversant with the matter in question). Such cases may be got specifically marked to Shri R.D. Sharma, DAG.

6. In case reply has already been filed then, an additional affidavit stating all these facts may be placed on record of the Hon'ble High Court for just adjudication of the pending case.

7. Copy of this order is available on the official website of the Finance Department i.e. finhry.gov.in.



Chief Accounts Officer
 for Additional Chief Secretary to Govt. Haryana,
 Finance Department
 04/07/2024

Endst. No.124/02/2019-1FR/9037

Dated: 04.07.2024

A copy is forwarded to the following for information and necessary action:-

1. **The Additional Chief Secretary to Govt. Haryana, Secondary Education Department** with the request to go through FD's instructions and judgements, referred to above and get the following pending cases dismissed in consultation with Shri R.D. Sharma, DAG O/o the Advocate General, Haryana:-
 - a. CWP No.15669 of 2019 – Krishan Gopal Sharma & Others Vs. State of Haryana & others pending for 27.11.2024.
 - b. Review Appeal No.78/2021 filed by the State Government (Secondary Education Deptt.) Vs. R.S. Khanna & others against judgement dated 08.05.2019 passed in CWP No.12583 of 2002, which is pending for 19.11.2024.
 - c. Execution Appeal No.04 of 2020 filed by R.S. Khanna & others Vs. State of Haryana, which is pending for 19.11.2024.
2. Shri R.D. Sharma, DAG O/o the Advocate General, Haryana, Chandigarh.
- ✓ 3. The Incharge, Computer Cell (Finance Department) for uploading these instructions on the website of the Finance Department.


Chief Accounts Officer
for Additional Chief Secretary to Govt. Haryana,
Finance Department


04/07/2024