

ORDER

Dated, Chandigarh, the 09.07.2020

Dr. Mahavir Singh, IAS
Additional Chief Secretary to Govt. Haryana
School Education Department
Chandigarh

DATED, PANCHKULA, THE 16/07/2020

Regd.

1. The District Education Officer, Jhajjar w.r.t. his memo No. E-2/2020/1022 dated 26.02.2020. The original disability certificates and Personal file of the official are attached herewith.
2. Principal, Govt. Girls Sr. Secondary School, Jhajjar.
3. Sh. Balwan Singh [041825], PGT Political Science, Govt. Girls Sr. Secondary School, Jhajjar.
4. I.T Cell (H.Q) for updating the orders on the official website.

Superintendent PGT-III
for Director Secondary Education
Haryana, Panchkula

OFFICE OF DIRECTOR GENERAL SECONDARY EDUCATION, HARYANA, PANCHKULA

Order No. 13/286-2019 HRME-1(6)

Dated: 6-7-2020

Whereas, the petitioners namely Babu Lal Bhatti, Shiv Charan Sharma, Om Parkash Verma, Chajju Ram & Ram Autar (Petitioner No. 32 to 36) have filed CWP No.13455 of 2019 titled as Tara Verma & others Vs. State of Haryana & Others with the prayer to extend the benefit of re-fixation of pay to the petitioners after restoring the benefit of adhoc relief D.A cut as on 01.04.1979 in terms of the judgment dated 27.7.2000 (Annexure P-8) passed in CWP No.16084 of 1997 titled as Dharam Pal Singh Vs. State of Haryana and others as well as judgment dated 23.4.1990 (Annexure P-6) passed in CWP No. 5563-A of 1989 and Judgment Dated 08.12.2015 of the Hon'ble Supreme Court of India passed in Civil Appeal No. 8661 of 2009.

The civil writ petition No.13455 of 2019 was fixed for hearing before the Hon'ble court on 20.05.2019 and the Hon'ble High Court was pleased to pass the following orders:

"Present writ petition has been filed by the petitioners claiming the re-fixation of their pay in view of the orders of this Court passed in CWP No.5563-A of 1989 and CWP No.16084 of 1997, which were upheld by the Hon'ble Supreme Court, vide order dated 08.12.2015 (Annexure P-9).

Claim of the petitioners is that they are similarly situated with those who have been granted the relief by this Court but the benefits are not being extended to them only on the ground that they have not approached this Court and were not the petitioners in above mentioned writ petitions.

Counsel for the petitioners states that the petitioners will be satisfied, at this stage, in case, a time bound direction is issued to the respondents to decide the joint legal notice dated 13.02.2019 (Annexure P14).

Keeping in view the request made and without expressing any opinion on the merits of the case and entitlement of the petitioners in respect of the claim made in the writ petition/legal notice, the respondents are directed to decide the legal notice dated 13.02.2019 (Annexure P-14) within a period of three months from the date of receipt of a certified copy of this order. In case it is found that the petitioners are entitled for any relief, the same shall also be released to them within a period of next three months.

Present writ petition stands disposed of."

In view of the above orders of the Hon'ble Court, the record related to the Petitioners (32 to 36) were examined and it was found that the petitioners were appointed on the post of clerk on 9.8.1971, 30.7.1963, 7.7.1972, 28.4.1976 and 16.9.1982 respectively and they retired from service on 17.1.2000, 31.7.2008, 31.1.2006, 31.1.2005 and 31.1.2012 respectively.

Whereas, petitioners have claimed the benefit of re-fixation of pay to the

petitioners after restoring the benefit of adhoc relief and D.A cut as on 01.04.1979 in view of the orders passed by the Hon'ble High Court in CWP No. 4518 of 2000 which were upheld by the Hon'ble Supreme Court, vide order dated 08.12.2015 in Civil Appeal No. 8661 of 2009.

Whereas, the Govt. of Haryana had decided to grant adhoc relief to its employees at varying rates vide Finance Department letter No. 3608-3FR-72/21099 dated 27/29-06-1972 w.e.f 01.4.1972 in the shape of "First component of Adhoc Relief ranging between Rs. 15/- to 45/- and second component of Adhoc Relief ranging between Rs. 7/- to 15/- as per rates indicated in the table below:-

Pay Range	1 st component of adhoc relief	Second component of adhoc relief
Below Rs. 85/-	Rs. 15/- per month	Rs. 07/- per month
Rs. 85/- to Rs. 209/-	Rs. 25/- per month	Rs. 08/- per month
Rs. 210/- to 499/-	Rs. 30/- per month	Rs. 10/- per month
Rs. 500/- to 1250/-	Rs. 45/- per month	Rs. 15/- per month

It is pertinent to mention here that the third installment of Adhoc Relief was released w.e.f. 01.12.1972, vide Finance Department letter No. 7158-3FR-72/30420 dated 19.12.1972 ranging between Rs. 7/- to 10/- as per rates indicated in the table below :-

Pay Range	Amount of additional adhoc relief
Below Rs. 85/-	Rs. 07/- per month
Rs. 85/- to Rs. 209/-	Rs. 08/- per month
Rs. 210/- to 574/-	Rs. 10/- per month

Whereas, it is worthwhile to mention that the Govt. of Haryana was considering grant of Regular Additional Dearness Allowance to its employees. In this regard the State Govt. vide Finance Department letter No. 1699-3FR-74/10392 dated 20.03.1974 granted Additional Dearness Allowance to its employees, belonging to the Class-II,III and IV service w.e.f. 01.05.1973, 01.08.1973, 01.10.1973 and 01.01.1974 on every 8 points increase in the Consumer Price Index. The rates of Additional Dearness Allowances are indicated in the table below:-

Period for which payable	Range of emoluments	Rate of Additional Dearness Allowance p/m
(i) 1.5.1973 to 21.7.73	Upto Rs. 300/- (Emolument as defined in para 2 below	4% of emoluments
	Above Rs. 300/- and upto Rs. 900 (Emolument as defined in para 2 below	3% of emolument subject to a minimum of Rs. 12/- p.m and a maximum of Rs. 27/- p.m (and subject to marginal adjustment so that the emolument plus additional dearness allowed does not exceed Rs. 927/-)
(ii) 1.8.973 to 30.9.73	Upto Rs. 300/-	8% of emoluments

	Above Rs. 300/- and upto Rs. 1200/-	6% of emolument subject to a minimum of Rs. 24/- p.m and maximum of Rs. 54/- p.m.
(iii) 1.10.1973 to 31.12.73	Upto Rs. 300/-	12% of emoluments 9% of emoluments subject to a minimum of Rs. 36/- p.m and maximum of Rs. 81/ p.m.
	Above Rs. 300/- and upto Rs. 1200/-	
(iv) 1.1.1974 onwards	Upto Rs. 300/-	16% of emoluments
	Above Rs. 300/- not exceeding Rs. 900/-	12% of emoluments minimum of Rs. 48/- p.m. and maximum of Rs. 108/- p.m.
	Above Rs. 900/- and upto Rs. 926/-	Marginal adjustment so that the emolument plus additional Dearness Allowance does not exceed Rs. 1008/-
	Rs. 972/ and above, upto Rs. 1200/-	Rs. 81/-p.m

The adhoc reliefs were granted without adopting any formula with reference to cost of living. While calculating Additional Dearness Allowance, the adhoc relief given earlier on a slab system without reference to any formula was found to be higher than what was permissible on the basis of Consumer Price Index formula. On the basis of calculations, it was found that the Dearness Allowance granted by way of adhoc relief was in excess to the extent of Rs. 9.40 to Rs. 45/- in various categories of pay slab when compared with the admissible allowance as per Consumer Price Index. As a principle, it was not considered desirable to reduce the emoluments or to recover the excess amount drawn by the employees. Hence, it was decided that the Additional Dearness Allowance would only accrue after the adjustment of the excess adhoc relief already granted. Therefore, it was provided in Para-3 of the above-said letter-dated 20.03.1974 of Finance Department that a part of the amount of adhoc relief, as indicated in column 5 and 7 of Annexure-1 of said letter, was to be adjusted in the Additional Dearness Allowance.

Subsequently, Haryana Government vide Notification No. GSR.20/Const./Art. 309/80 dated 29.02.1980 had revised the pay scale of its employees w.e.f. 01.04.1979 wherein it was provided that the above-said excess amount of Adhoc Relief was to be deducted while fixing pay of the Employees in the revised pay scale.

Whereas, the order dated 20.03.1974, was challenged by some employees by filing a Civil Writ Petition No. 966 of 1988, tilted as Haryana College Teachers Association, Panchkula and others versus State of Haryana and others wherein the Hon'ble High Court (as decided on 18.07.1988) had held that the deduction of respective amount per month (as per the condition No. 3 of the Govt. order dated 20.03.1974) from the emoluments of the petitioners i.e. Haryana College Teachers Association was illegal and had directed to refund the amount deducted in pursuant to the stipulation as mentioned in the Govt. order. It is very significant to mention here that the adjustment of adhoc relief deduction in the case of Haryana College Teachers

Associations' case (CWP No. 966 of 1988) by the Govt. was wholly unjustified because of the fact that the petitioners of CWP No. 966 of 1988) were not the recipients/beneficiaries for the grant of any adhoc relief under the Govt of Haryana's order dated 19th December, 1972. Accordingly as a natural corollary to that, in their case, the question of adjustment of excess payment/excess additional relief of the amount of adhoc relief did not arise at all and this Hon'ble High Court was justified on striking down the condition of deduction/adjustment as provided in the above mentioned Govt. order dated 20.03.1974, qua College Lecturers only.

Whereas, after the decision of Haryana College Teachers Association's case, another CWP No. 5563-A of 1989-titled Nitya Nand and others Vs State of Haryana and others was filed in the Hon'ble High Court by challenging validity of the Govt. order dated 20.03.1974 pertaining stipulations 3 and 4 of the said order. The Hon'ble High Court relying upon its earlier decision in Haryana College Teachers Association Panchkula and other Vs State of Haryana and another (CWP No. 966 of 1988) disposed of the CWP No. 5563-A of 1989 dated 23.04.1990 on the same terms. However, the facts remain that the petitioners in the Nitya Nand's case were actually the recipient/beneficiary of the benefit of adhoc relief as granted by the Finance Department letter dated in 27/29.06.1972 & 19.12.1972, whereas the petitioners of the Haryana College Teachers Association's case were not actual beneficiaries. Facts were not identical in these two cases, in fact, the case of Haryana College Teachers Association's turned on its own special facts as mentioned above, therefore, an analogy could not be drawn with the facts of Nitya Nand's case. Thus, Nitya Nand's case was wrongly decided by wrongly applying the reasoning of College Lecturer's case.

Nitya Nand's case was subsequently duly considered by the Hon'ble Division Bench in CWP No.16470 of 1990 on 18.09.1991 & was distinguished. Operative part of the judgment is reproduced as under:-

"It is also relevant to mention that the case of College Lecturer Association had been decided by G.C. Mittal (as his Lordship then was). In spite of that decision and in spite of judgement in Nitya Nand's case having been placed before their Lordship, the Motion Bench considered it appropriate on February 5, 1991 to direct the petitioners to make a representation and the respondents to pass a speaking order. Therefore, a detailed order has come on record, which was not available to the bench in Nitya Nand case. In view of the detailed position as disclosed in this order, the necessity of referring the matter to a large Bench is obviated.

It is note-worthy that in Nitya Nand's case even the objection regarding delay had not been raised. In the present case, the learned Advocate General has vehemently contended that decision of State Government of 1974 have been challenged in the year 1990. On consideration of the matter, we find merit in the objection. The petitioners did not raise even a whisper against the order of March, 1974 during all these years. In fact, they draw all the benefits under the order

which is now sought to be impugned. Not only that the pay scales have been revised in the year 1979 and 1986, but even otherwise, we have found no justification for the long silence on the part of the petitioners. On the ground of delay alone the petition deserves to be dismissed. The learned counsel for the petitioners contend that it is a recurring cause of action. We are not inclined to accept this contention. The pay of every employee had been fixed in accordance with the letter of March 20, 1974 and the Annexure thereto. Even a suit would be totally barred by limitation. In such a situation we are not inclined to invoke our extraordinary jurisdiction under Article 226 of the Constitution of India to entertain this belated claim made by the petitioners.

Accordingly, we find no merit in those petitions which are hereby dismissed. In the circumstances of the case, we leave the parties to bear their own costs."

Dated : 18.9.1991

Sd/- Jawahar Lal Gupta, Judge

Sd/- I.S. Tiwana, Acting Chief Justice

Alongwith the above stated writ petition about 268 writ petitions were decided and the above stated decision was challenged by the employees by filing SLPs in the Hon'ble Supreme Court. Hon'ble Supreme Court in SLP (C) 20144 of 1991 and SLP (C) 8878-81 of 1992 decided on 17.02.1993, reported as 1993(2) SLR 27 titled as State of Haryana & Others Vs. O.P. Sharma & Others had distinguished the decision in Nitya Nand's case and upheld the decision of the Government & also justified the decision in College Lecturer's case.

Whereas, subsequent to above decisions/judgments passed by the Hon'ble Supreme Court & High Court, various writ petitions had been filed on the above mentioned issue by other employees of the State Govt and most of these writ petitions were allowed on the basis of the decision in Nitya Nand's case, in ignorance of the decision dated 18.09.1991 in CWP No.16470/1990 as upheld by Hon'ble Supreme Court reported as 1993 (2) SLR 27. A CWP No. 13300 of 1990, titled as Daya Ram Yadav and others Vs State of Haryana and others was decided by the Hon'ble High Court in the following terms:-

"For the reasons in CWP No. 5563-A of 1989 (Nitya Nand V/s State of Haryana) decided on 23.04.1990, the writ petition is allowed and is disposed of in the same terms and with the same order and conditions."

Whereas, CWP No. 16084 of 1997-titled as Dharampal Singh Vs State of Haryana and others and CWP No. 2757 of 1998-titled as Diwan Chand Vs State of Haryana and others, were filed on the same issue, and both these CWPs were disposed off by a common order dated 27.7.2000, by Hon'ble Division Bench of the Hon'ble High Court on the basis of the decision of CWP No. 13300 of 1990 in the same terms by ignoring the earlier decision dated 18.9.1991 in CWP No.16470 of 1990 vide which 268 writ petitions were dismissed on the ground of delay as well as on merits, which decision was upheld by Hon'ble Supreme Court in 1993(2) SLR 27.

Whereas, another group of Govt. employees had filed CWP No. 4518 of 2000- titled as R.K. Gupta and others Vs State of Haryana and others, on the same/ identical issue. The Hon'ble High Court relied upon the earlier Judgment passed in CWP No.16084 of 1997 and allowed the CWP No. 4518 of 2000, on the same terms. Aggrieved with the order passed in CWP No. 4518 of 2000, the State of Haryana filed a Civil Appeal No. 8661 of 2009. The Hon'ble Apex Court dismissed the Civil Appeal on the basis of earlier SLP (C) No. 2578 of 1996 decided on 09.05.1997 which was dismissed on ground of delay and Civil Appeal No. 923 of 1992 titled as State of Haryana and others Vs Om Parkash and other, however while passing the order in CA No. 8661/2009 duly noticed the earlier decision reported as 1993 (2) SLR 27 by observing that Hon'ble Supreme Court already decided the controversy, a decision which is in favour of the Government.

Whereas, now the petitioners have based their claims on the basis of the decision of the Hon'ble High Court rendered in CWP No. 16084/1997, 2757/1998 and CWP No. 4518 of 2000.

Even the decision of Hon'ble Supreme Court now relied by the petitioner is against the petitioners as the Civil Appeal No.8661 of 200 has been disposed of on the basis of decision 193 (2) SLR 27 which is in favour of the department.

Whereas, it is pertinent to mention that some other writ petitions were also filed in the Hon'ble High Court titled as Om Parkash Kaushik and others Vs State of Haryana and others, Mohar Singh and others Vs State of Haryana and others, Jasram Singh and other State of Haryana and others, in which the Hon'ble Division Bench of the Hon'ble High Court categorically differentiated ratio of the Haryana College Teachers Association's case (CWP No. 966 of 1988) and Nitya Nand's case (CWP No. 5563-A of 1989) and held that the case of Haryana College Teachers Associations' case could not have been treated as an authority or an analogy for deciding the case of other Government servants like Nitya Nand who had in fact received the benefits of adhoc interim relief under the Finance Department orders 27/29.06.1972 & 19.12.1972. This Hon'ble High Court, did not consider the Haryana College Teachers Association's case and Nitya Nand's case as binding precedents to be followed in the above mentioned batch of writ petitions, decided on 18.09.1991 where this Hon'ble High Court had dismissed the writ petitions, upholding the Govt. order of 20.3.1974. Relevant extract of the order dated 18.9.1991 is already reproduced in the preceding para.

Whereas, aggrieved with the order of the Hon'ble Court, the petitioners had filed the Special Leave Petitions No. 8878—81 of 1992, 3399 of 1993 and 3400 of 1993 against upholding the Govt. Order dated 20.03.1974 and the same were dismissed by the Hon'ble Supreme Court on 17.02.1993 while deciding the case State of Haryana and another Vs. O.P. SHARMA AND Ors. and connected Civil appeals No. 53-60 of 1992 reported as 1993 (2) SLR 27 & upheld the action of the Government in adjustment of the excess adhoc relief while fixing the pay in the revised pay fixation. The decision in Nitya Nand's case was based on the decision in the College Teacher's case without

realizing that Nitya Nand and other Government servants had in fact been the beneficiaries of the interim relief granted in 1972 unlike the College Teachers. No other reason was given in Nitya Nand's case. When the other batch of cases came up before another Division Bench the college Teacher's case, it was realized that the factual position was not identical and therefore the petitioners were directed to make a comprehensive representation to the State Government for its consideration. The State Government was also directed to dispose of the said representation by a speaking order. When the order giving reasons for negating the contention of the employees was placed before the Division Bench it appreciated the stand of the State Government since the factual premise in the case of College Teachers was altogether different from the factual premise in the case of other Government employees who had actually received the adhoc interim relief, the High Court, therefore, rightly came to the conclusion that the ratio of the College Teacher's case was not applicable to the case of those Government servants who were the recipients of adhoc interim relief. Since, the interim relief granted in 1972 was not based on any formula but was totally adhoc, when the formula for the grant of additional dearness allowance of the cycle of increase by points in the Consumer Price Index was adopted by the State Government, the State Government realized the adhoc interim relief was in excess by Rs. 9.40 to Rs. 45/- per month depending on the pay slab of a Government servant and, therefore, decided to adjust the increase of a Government servant and, therefore, decided to adjust the increase rather than order of lump sum recovery of the excess amount. Such an order passed by the State Government to recover the excess amount in a phased manner can never be termed as arbitrary, unreasonable, unfair or illegal. The High Court was therefore, right in refusing to follow the decision in Nitya Nand's case in the subsequent writ petitions which were filed by various groups of Government employees who had benefited from interim adhoc relief and also rejected the claim being suffered from delay & laches apart from merits. The SLP filed by the employees against the subsequent order of the High Court upholding the impugned order of 20th March, 1974 must fall and were rejected. **The Hon'ble Apex Court in the case State of Haryana Vs O.P. Sharma and others, 1993 (2) SLR 27 had categorically upheld the validity of the Govt. order dated 20.03.1974 and the stipulations as mentioned in the said order was also held to be legal and proper and held that the order of the Govt. to recover the excess amount in a phased manner can never be termed as arbitrary, unreasonable, unfair or illegal.**

Whereas, the adhoc relief as granted by the Govt. of Haryana and others in 1972, was adhoc, pure and simple and there was no legal or vested right to get a particular quantum of dearness allowances. This adhoc relief were granted in year 1972 without adopting formula with reference to the cost of living and by the Govt. order dated 20.03.1974 the Additional Dearness Allowance was granted on every 8 point increase in the Consumer Price Index Wherein this adhoc relief given earlier on a slab system

without reference to any formula was found the Govt. on analysis to be higher than what was permissible on the basis of Consumer price Index Formula. It is to be further submitted that on the basis of analysis and meticulous calculations, it was found that the dearness allowance granted by way of adhoc relief was in excess to the extent of Rs. 9.40 to Rs. 45 in various categories of pay slabs when compared with the admissible dearness allowance as per Consumer Price Index. As a principle, it was not considered desirable to reduce the emoluments or to recover the excess amount drawn by the employees. Therefore, it was decided that the additional dearness allowance would only accrue after the adjustment of the excess adhoc relief already granted. Whereas, the Govt. was well within its right to adjust the excess amount drawn by the Government employees. Towards future installments of additional dearness allowance and such adjustment under stipulation No. 3 of Govt. order 20.3.1974, could not be ruled as unfair and arbitrary or in violation of law and further cannot be turned as violation of natural justice of the Government employees. Hence, the present petitioner is not entitled to the claimed relief in view of the decision of Hon'ble Supreme Court reported as 1993 (2) SLR 27.

Apart from merits, the petitioners present claim for re-fixation of their pay/pension w.e.f 01.04.1979 i.e. after 41 years which is highly time barred and beyond any logic or justification. No financial or civil right can be claimed after 3 years. More so when the Hon'ble Division Bench of this Hon'ble Court dismissed the claim in CWP No.16470 of 1990 — Ishwar Singh Sharma & Others Vs. State of Haryana & Others decided on 18.9.1991 on merits as well as on delay in the year 1991 itself, as per the operative part of the order re-produced in the preceding para.

Further, as per the decision rendered by the Hon'ble Supreme Court reported as (2008) 10 SCC 115; 2013(6) SLR 629; 2011 (4) SCC 374, decision of Hon'ble High Court in LPA No. 740 of 2015 (O&M) by taking the plea that as stated above petitioner is not entitled to any relief on merits as well as belated and stale claim cannot be accepted after a delay of more than 4 decades. Even though certain employees have been granted relief by the Hon'ble High Court in the year 2000 as upheld by the Hon'ble Supreme Court on 08.12.2015 and arrears of amount confined to only 38 months prior to filing of the writ petitions which were filed in the year 1997, 1998 and 2000 respectively and getting a direction from the Hon'ble High Court to decide the legal notice does not provide fresh cause of action of a time barred stale claim. The claim which the petitioners now claimed in the year 2018-19 by serving a legal notice, the actual cause of action arose in the year 1973-74. Adhoc interim relief granted already deducted/adjusted amount gives only a right to recovery and the limitation to recover the amount deducted/adjusted is three years, which lapses way back in the year 1976-77. The petitioners cannot be extended the benefit of decision of Hon'ble Supreme Court dated 08.12.2015 as stated in the preceding paras on account of parity with other employees of the judgment passed by the Hon'ble High Court in the year

2000 & 2003.

Here in the present cases also, the cause of action arose during the year 1973-74 and the petitioners have challenged the said action after more than 4 decade. Further, while deciding SLP (C) No. 20144 of 1991-State of Haryana & another V/s O.P. Sharma & another, the Hon'ble Supreme Court of India vide its order dated 17.02.1993 held that the action of the State Government in either recovery or adjustment of interim adhoc relief does not suffer any illegality, arbitrariness or discrimination. Hence, the benefit of restoration of a part of the amount of adhoc relief which was deducted while fixation of pay w.e.f. 01.04.1979 as claimed in the legal notice dated 13.02.2019 cannot be extended to the petitioner keeping in view the position narrated above. Thus, the claim of the petitioners is rejected on merits as well as a stale claim suffers from delay & laches.

I order accordingly in compliance of directions dated 20.05.2019 passed by the Hon'ble Punjab & Haryana High Court in CWP No. 13455 of 2019 titled as Tara Verma & Another Vs. State of Haryana and Others.

Be communicated to all concerned.

(J.GANESAN)
DIRECTOR SECONDARY EDUCATION
HARYANA, PANCHKULA

Endst. No. 13/286-2019 HRME-1(6)

Dated: 15-7-2020

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

To

1. Sh. Babu Lal Bhatti S/o Parbhati Lal Bhatti,
R/o VPO Kothal Khurd, Mahendergarh.
2. Sh. Shiv Charan Sharma S/o Sh Sadhu Ram Sharma,
R/O Village Nangal P.O Ateli Mandi, Tehsil Narnaul Distt.
Mahendergarh.
3. Sh Om Parkash Verma, S/o Sh Satya Narain,
R/o Mohalla Chanduwara, near Namdev ki Dharamshala Narnaul.
4. Sh Chhaju Ram S/o Sh. Mohal Lal
R/o VPO Neerpur Tehsil Narnaul Distt. Mahendergarh
5. Sh. Ram Autar S/o Sh Jarmal
R/o Village & P.O Bocharia, Distt. Mahendergarh

6 BFO Narnaul
17 IT cell

Dep. Sh. Shank
SUPERINTENDENT HRME-I
FOR DIRECTOR SECONDARY EDUCATION,
HARYANA, PANCHKULA

OFFICE OF DIRECTOR GENERAL SECONDARY EDUCATION, HARYANA, PANCHKULA

Dated: 6-7-2020

Order No. 13/285-2019 HRME-1(6)

Whereas, the petitioner namely Ram Niwas (Petitioner No. 28) has filed CWP No.31065 of 2018 titled as Vijai Singh & Another Vs. State of Haryana & Others for issuance of a writ in the nature of mandamus directing the respondents to extent the benefit of re-fixation of pay of the petitioners after restoring the benefits of adhoc relief and DA cut as on 01.04.1979 in terms of the judgment dated 27.07.2000 (Annexure P-8) passed in CWP No. 16084 of 1997 titled as Dharampal Singh Vs. State of Haryana & others, as well as judgment dated 23.04.1990 (Annexure P-6) passed in CWP No. 5563-A of 1989, against which S.L.P.s filed by the respondent-State of Haryana in the Hon'ble Supreme Court of India has already dismissed on 07.12.1995 and 08.12.2015 and further the Finance Department has even issued letters dated 15.03.2017, 16.03.2017, 28.03.2017 & 25.01.2018 (Annexure P-10 to P-13) for implementation of the judgment of the Hon'ble Apex Court dated 08.12.2015 qua the petitioners of those matter and also grant all consequential benefits to the petitioners, in the interest of equity, justice and to avoid discrimination.

The present Civil Writ Petition No. 31065 of 2018 titled as Vijai Singh & others Vs. State of Haryana & others was fixed for hearing before the Hon'ble court on 07.12.2018 and the Hon'ble High Court was pleased to pass the following orders:-

"Learned counsel for the petitioners contends that similar relief as has been sought by the petitioner through the instant petition, has already been accorded to the similarly situated persons. Thus, he further submits that petitioners feel satisfied in case a direction is issued to respondents to decide the legal notice dated 18.07.2018 (P-14) in the light of the judgments referred to above, within some stipulated period.

Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondents to consider the grievances unfolded by the petitioners in the legal notice dated 18.07.2018 (P-14) and to take a conscious decision by passing a speaking order as per the judgments referred to above in para no.1 of this order, within a period of three months from the date of receipt of a certified copy of this order. In case, petitioners still feel aggrieved by any of the orders passed by the aforesaid authority, they shall be at liberty to have recourse to the other remedies available under law as well as to approach this Court."

In view of the above orders of the Hon'ble Court, the record related to the Petitioner was examined and it was found that the petitioner was appointed on the post of clerk on 16.9.1982 and he has retired as Superintendent from service on 29.02.2020.

Whereas, petitioners have claimed the benefit of re-fixation of pay to the petitioners after restoring the benefit of adhoc relief and D.A cut as on 01.04.1979 in view of the orders passed by the Hon'ble High Court in CWP No. 4518 of 2000 which

were upheld by the Hon'ble Supreme Court, vide order dated 08.12.2015 in Civil Appeal No. 8661 of 2009.

Whereas, the Govt. of Haryana had decided to grant adhoc relief to its employees at varying rates vide Finance Department letter No. 3608-3FR-72/21099 dated 27/29-06-1972 w.e.f 01.4.1972 in the shape of "First component of Adhoc Relief ranging between Rs. 15/- to 45/- and second component of Adhoc Relief ranging between Rs. 7/- to 15/- as per rates indicated in the table below:-

Pay Range	1 st component of adhoc relief	Second component of adhoc relief
Below Rs. 85/-	Rs. 15/- per month	Rs. 07/- per month
Rs. 85/- to Rs. 209/-	Rs. 25/- per month	Rs. 08/- per month
Rs. 210/- to 499/-	Rs. 30/- per month	Rs. 10/- per month
Rs. 500/- to 1250/-	Rs. 45/- per month	Rs. 15/- per month

It is pertinent to mention here that the third installment of Adhoc Relief was released w.e.f. 01.12.1972, vide Finance Department letter No. 7158-3FR-72/30420 dated 19.12.1972 ranging between Rs. 7/- to 10/- as per rates indicated in the table below :-

Pay Range	Amount of additional adhoc relief
Below Rs. 85/-	Rs. 07/- per month
Rs. 85/- to Rs. 209/-	Rs. 08/- per month
Rs. 210/- to 574/-	Rs. 10/- per month

Whereas, it is worthwhile to mention that the Govt. of Haryana was considering grant of Regular Additional Dearness Allowance to its employees. In this regard the State Govt. vide Finance Department letter No. 1699-3FR-74/10392 dated 20.03.1974 granted Additional Dearness Allowance to its employees, belonging to the Class-II,III and IV service w.e.f. 01.05.1973, 01.08.1973, 01.10.1973 and 01.01.1974 on every 8 points increase in the Consumer Price Index. The rates of Additional Dearness Allowances are indicated in the table below:-

Period for which payable	Range of emoluments	Rate of Additional Dearness Allowance p/m
(i) 1.5.1973 to 21.7.73	Upto Rs. 300/- (Emolument as defined in para 2 below	4% of emoluments
	Above Rs. 300/- and upto Rs. 900 (Emolument as defined in para 2 below	3% of emolument subject to a minimum of Rs. 12/- p.m and a maximum of Rs. 27/- p.m (and subject to marginal adjustment so that the emolument plus additional dearness allowed does not exceed Rs. 927/-)
(ii) 1.8.973 to 30.9.73	Upto Rs. 300/-	8% of emoluments
	Above Rs. 300/- and upto Rs. 1200/-	6% of emolument subject to a minimum of Rs. 24/- p.m and

(iii) 1.10.1973 to 31.12.73	Upto Rs. 300/-	maximum of Rs. 54/- p.m. 12% of emoluments 9% of emoluments subject to a minimum of Rs. 36/- p.m and maximum of Rs. 81/ p.m.
	Above Rs. 300/- and upto Rs. 1200/-	
(iv) 1.1.1974 onwards	Upto Rs. 300/-	16% of emoluments
	Above Rs. 300/- not exceeding Rs. 900/-	12% of emoluments minimum of Rs. 48/- p.m. and maximum of Rs. 108/- p.m.
	Above Rs. 900/- and upto Rs. 926/-	Marginal adjustment so that the emolument plus additional Dearness Allowance does not exceed Rs. 1008/-
	Rs. 972/ and above, upto Rs. 1200/-	Rs. 81/-p.m

The adhoc reliefs were granted without adopting any formula with reference to cost of living. While calculating Additional Dearness Allowance, the adhoc relief given earlier on a slab system without reference to any formula was found to be higher than what was permissible on the basis of Consumer Price Index formula. On the basis of calculations, it was found that the Dearness Allowance granted by way of adhoc relief was in excess to the extent of Rs. 9.40 to Rs. 45/- in various categories of pay slab when compared with the admissible allowance as per Consumer Price Index. As a principle, it was not considered desirable to reduce the emoluments or to recover the excess amount drawn by the employees. Hence, it was decided that the Additional Dearness Allowance would only accrue after the adjustment of the excess adhoc relief already granted. Therefore, it was provided in Para-3 of the above-said letter-dated 20.03.1974 of Finance Department that a part of the amount of adhoc relief, as indicated in column 5 and 7 of Annexure-1 of said letter, was to be adjusted in the Additional Dearness Allowance.

Subsequently, Haryana Government vide Notification No. GSR.20/Const./Art. 309/80 dated 29.02.1980 had revised the pay scale of its employees w.e.f. 01.04.1979 wherein it was provided that the above-said excess amount of Adhoc Relief was to be deducted while fixing pay of the Employees in the revised pay scale.

Whereas, the order dated 20.03.1974, was challenged by some employees by filing a Civil Writ Petition No. 966 of 1988, tilted as Haryana College Teachers Association, Panchkula and others versus State of Haryana and others wherein the Hon'ble High Court (as decided on 18.07.1988) had held that the deduction of respective amount per month (as per the condition No. 3 of the Govt. order dated 20.03.1974) from the emoluments of the petitioners i.e. Haryana College Teachers Association was illegal and had directed to refund the amount deducted in pursuant to the stipulation as mentioned in the Govt. order. It is very significant to mention here that the adjustment of adhoc relief deduction in the case of Haryana College Teachers Associations' case (CWP No. 966 of 1988) by the Govt. was wholly unjustified because of

the fact that the petitioners of CWP No. 966 of 1988) were not the recipients/beneficiaries for the grant of any adhoc relief under the Govt of Haryana's order dated 19th December, 1972. Accordingly as a natural corollary to that, in their case, the question of adjustment of excess payment/excess additional relief of the amount of adhoc relief did not arise at all and this Hon'ble High Court was justified on striking down the condition of deduction/adjustment as provided in the above mentioned Govt. order dated 20.03.1974, qua College Lecturers only.

Whereas, after the decision of Haryana College Teachers Association's case, another CWP No. 5563-A of 1989-titled Nitya Nand and others Vs State of Haryana and others was filed in the Hon'ble High Court by challenging validity of the Govt. order dated 20.03.1974 pertaining stipulations 3 and 4 of the said order. The Hon'ble High Court relying upon its earlier decision in Haryana College Teachers Association Panchkula and other Vs State of Haryana and another (CWP No. 966 of 1988) disposed of the CWP No. 5563-A of 1989 dated 23.04.1990 on the same terms. However, the facts remain that the petitioners in the Nitya Nand's case were actually the recipient/beneficiary of the benefit of adhoc relief as granted by the Finance Department letter dated in 27/29.06.1972 & 19.12.1972, whereas the petitioners of the Haryana College Teachers Association's case were not actual beneficiaries. Facts were not identical in these two cases, in fact, the case of Haryana College Teachers Association's turned on its own special facts as mentioned above, therefore, an analogy could not be drawn with the facts of Nitya Nand's case. Thus, Nitya Nand's case was wrongly decided by wrongly applying the reasoning of College Lecturer's case.

Nitya Nand's case was subsequently duly considered by the Hon'ble Division Bench in CWP No.16470 of 1990 on 18.09.1991 & was distinguished. Operative part of the judgment is reproduced as under:-

"It is also relevant to mention that the case of College Lecturer Association had been decided by G.C. Mittal (as his Lordship then was). In spite of that decision and in spite of judgement in Nitya Nand's case having been placed before their Lordship, the Motion Bench considered it appropriate on February 5, 1991 to direct the petitioners to make a representation and the respondents to pass a speaking order. Therefore, a detailed order has come on record, which was not available to the bench in Nitya Nand case. In view of the detailed position as disclosed in this order, the necessity of referring the matter to a large Bench is obviated.

It is note-worthy that in Nitya Nand's case even the objection regarding delay had not been raised. In the present case, the learned Advocate General has vehemently contended that decision of State Government of 1974 have been challenged in the year 1990. On consideration of the matter, we find merit in the objection. The petitioners did not raise even a whisper against the order of March, 1974 during all these years. In fact, they draw all the benefits under the order which is now sought to be impugned. Not only that the pay scales have been revised

in the year 1979 and 1986, but even otherwise, we have found no justification for the long silence on the part of the petitioners. On the ground of delay alone the petition deserves to be dismissed. The learned counsel for the petitioners contend that it is a recurring cause of action. We are not inclined to accept this contention. The pay of every employee had been fixed in accordance with the letter of March 20, 1974 and the Annexure thereto. Even a suit would be totally barred by limitation. In such a situation we are not inclined to invoke our extraordinary jurisdiction under Article 226 of the Constitution of India to entertain this belated claim made by the petitioners.

Accordingly, we find no merit in those petitions which are hereby dismissed. In the circumstances of the case, we leave the parties to bear their own costs."

Dated : 18.9.1991

Sd/- Jawahar Lal Gupta, Judge

Sd/- I.S. Tiwana, Acting Chief Justice

Alongwith the above stated writ petition about 268 writ petitions were decided and the above stated decision was challenged by the employees by filing SLPs in the Hon'ble Supreme Court. Hon'ble Supreme Court in SLP (C) 20144 of 1991 and SLP (C) 8878-81 of 1992 decided on 17.02.1993, reported as 1993(2) SLR 27 titled as State of Haryana & Others Vs. O.P. Sharma & Others had distinguished the decision in Nitya Nand's case and upheld the decision of the Government & also justified the decision in College Lecturer's case.

Whereas, subsequent to above decisions/judgments passed by the Hon'ble Supreme Court & High Court, various writ petitions had been filed on the above mentioned issue by other employees of the State Govt and most of these writ petitions were allowed on the basis of the decision in Nitya Nand's case, in ignorance of the decision dated 18.09.1991 in CWP No.16470/1990 as upheld by Hon'ble Supreme Court reported as 1993 (2) SLR 27. A CWP No. 13300 of 1990, titled as Daya Ram Yadav and others Vs State of Haryana and others was decided by the Hon'ble High Court in the following terms:-

"For the reasons in CWP No. 5563-A of 1989 (Nitya Nand V/s State of Haryana) decided on 23.04.1990, the writ petition is allowed and is disposed of in the same terms and with the same order and conditions."

Whereas, CWP No. 16084 of 1997-titled as Dharampal Singh Vs State of Haryana and others and CWP No. 2757 of 1998-titled as Diwan Chand Vs State of Haryana and others, were filed on the same issue, and both these CWPs were disposed off by a common order dated 27.7.2000, by Hon'ble Division Bench of the Hon'ble High Court on the basis of the decision of CWP No. 13300 of 1990 in the same terms by ignoring the earlier decision dated 18.9.1991 in CWP No.16470 of 1990 vide which 268 writ petitions were dismissed on the ground of delay as well as on merits, which decision was upheld by Hon'ble Supreme Court in 1993(2) SLR 27.

Whereas, another group of Govt. employees had filed CWP No. 4518 of 2000- titled as R.K. Gupta and others Vs State of Haryana and others, on the same/ identical issue. The Hon'ble High Court relied upon the earlier Judgment passed in CWP No.16084 of 1997 and allowed the CWP No. 4518 of 2000, on the same terms. Aggrieved with the order passed in CWP No. 4518 of 2000, the State of Haryana filed a Civil Appeal No. 8661 of 2009. The Hon'ble Apex Court dismissed the Civil Appeal on the basis of earlier SLP (C) No. 2578 of 1996 decided on 09.05.1997 which was dismissed on ground of delay and Civil Appeal No. 923 of 1992 titled as State of Haryana and others Vs Om Parkash and other, however while passing the order in CA No. 8661/2009 duly noticed the earlier decision reported as 1993 (2) SLR 27 by observing that Hon'ble Supreme Court already decided the controversy, a decision which is in favour of the Government.

Whereas, now the petitioners have based their claims on the basis of the decision of the Hon'ble High Court rendered in CWP No. 16084/1997, 2757/1998 and CWP No. 4518 of 2000.

Even the decision of Hon'ble Supreme Court now relied by the petitioner is against the petitioners as the Civil Appeal No.8661 of 200 has been disposed of on the basis of decision 193 (2) SLR 27 which is in favour of the department.

Whereas, it is pertinent to mention that some other writ petitions were also filed in the Hon'ble High Court titled as Om Parkash Kaushik and others Vs State of Haryana and others, Mohar Singh and others Vs State of Haryana and others, Jasram Singh and other State of Haryana and others, in which the Hon'ble Division Bench of the Hon'ble High Court categorically differentiated ratio of the Haryana College Teachers Association's case (CWP No. 966 of 1988) and Nitya Nand's case (CWP No. 5563-A of 1989) and held that the case of Haryana College Teachers Associations' case could not have been treated as an authority or an analogy for deciding the case of other Government servants like Nitya Nand who had in fact received the benefits of adhoc interim relief under the Finance Department orders 27/29.06.1972 & 19.12.1972. This Hon'ble High Court, did not consider the Haryana College Teachers Association's case and Nitya Nand's case as binding precedents to be followed in the above mentioned batch of writ petitions, decided on 18.09.1991 where this Hon'ble High Court had dismissed the writ petitions, upholding the Govt. order of 20.3.1974. Relevant extract of the order dated 18.9.1991 is already reproduced in the preceding para.

Whereas, aggrieved with the order of the Hon'ble Court, the petitioners had filed the Special Leave Petitions No. 8878—81 of 1992, 3399 of 1993 and 3400 of 1993 against upholding the Govt. Order dated 20.03.1974 and the same were dismissed by the Hon'ble Supreme Court on 17.02.1993 while deciding the case State of Haryana and another Vs. O.P. SHARMA AND Ors. and connected Civil appeals No. 53-60 of 1992 reported as 1993 (2) SLR 27 & upheld the action of the Government in adjustment of the excess adhoc relief while fixing the pay in the revised pay fixation. The decision in Nitya Nand's case was based on the decision in the College Teacher's case without

realizing that Nitya Nand and other Government servants had in fact been the beneficiaries of the interim relief granted in 1972 unlike the College Teachers. No other reason was given in Nitya Nand's case. When the other batch of cases came up before another Division Bench the college Teacher's case, it was realized that the factual position was not identical and therefore the petitioners were directed to make a comprehensive representation to the State Government for its consideration. The State Government was also directed to dispose of the said representation by a speaking order. When the order giving reasons for negating the contention of the employees was placed before the Division Bench it appreciated the stand of the State Government since the factual premise in the case of College Teachers was altogether different from the factual premise in the case of other Government employees who had actually received the adhoc interim relief, the High Court, therefore, rightly came to the conclusion that the ratio of the College Teacher's case was not applicable to the case of those Government servants who were the recipients of adhoc interim relief. Since, the interim relief granted in 1972 was not based on any formula but was totally adhoc, when the formula for the grant of additional dearness allowance of the cycle of increase by points in the Consumer Price Index was adopted by the State Government, the State Government realized the adhoc interim relief was in excess by Rs. 9.40 to Rs. 45/- per month depending on the pay slab of a Government servant and, therefore, decided to adjust the increase of a Government servant and, therefore, decided to adjust the increase rather than order of lump sum recovery of the excess amount. Such an order passed by the State Government to recover the excess amount in a phased manner can never be termed as arbitrary, unreasonable, unfair or illegal. The High Court was therefore, right in refusing to follow the decision in Nitya Nand's case in the subsequent writ petitions which were filed by various groups of Government employees who had benefited from interim adhoc relief and also rejected the claim being suffered from delay & laches apart from merits. The SLP filed by the employees against the subsequent order of the High Court upholding the impugned order of 20th March, 1974 must fall and were rejected. **The Hon'ble Apex Court in the case State of Haryana Vs O.P. Sharma and others, 1993 (2) SLR 27 had categorically upheld the validity of the Govt. order dated 20.03.1974 and the stipulations as mentioned in the said order was also held to be legal and proper and held that the order of the Govt. to recover the excess amount in a phased manner can never be termed as arbitrary, unreasonable, unfair or illegal.**

1
Whereas, the adhoc relief as granted by the Govt. of Haryana and others in 1972, was adhoc, pure and simple and there was no legal or vested right to get a particular quantum of dearness allowances. This adhoc relief were granted in year 1972 without adopting formula with reference to the cost of living and by the Govt. order dated 20.03.1974 the Additional Dearness Allowance was granted on every 8 point increase in the Consumer Price Index Wherein this adhoc relief given earlier on a slab system

without reference to any formula was found the Govt. on analysis to be higher than what was permissible on the basis of Consumer Price Index Formula. It is to be further submitted that on the basis of analysis and meticulous calculations, it was found that the dearness allowance granted by way of adhoc relief was in excess to the extent of Rs. 9.40 to Rs. 45 in various categories of pay slabs when compared with the admissible dearness allowance as per Consumer Price Index. As a principle, it was not considered desirable to reduce the emoluments or to recover the excess amount drawn by the employees. Therefore, it was decided that the additional dearness allowance would only accrue after the adjustment of the excess adhoc relief already granted. Whereas, the Govt. was well within its right to adjust the excess amount drawn by the Government employees. Towards future installments of additional dearness allowance and such adjustment under stipulation No. 3 of Govt. order 20.3.1974, could not be ruled as unfair and arbitrary or in violation of law and further cannot be turned as violation of natural justice of the Government employees. Hence, the present petitioner is not entitled to the claimed relief in view of the decision of Hon'ble Supreme Court reported as 1993 (2) SLR 27.

Apart from merits, the petitioners present claim for re-fixation of their pay/pension w.e.f 01.04.1979 i.e. after 41 years which is highly time barred and beyond any logic or justification. No financial or civil right can be claimed after 3 years. More so when the Hon'ble Division Bench of this Hon'ble Court dismissed the claim in CWP No.16470 of 1990 — Ishwar Singh Sharma & Others Vs. State of Haryana & Others decided on 18.9.1991 on merits as well as on delay in the year 1991 itself, as per the operative part of the order re-produced in the preceding para.

Further, as per the decision rendered by the Hon'ble Supreme Court reported as (2008) 10 SCC 115; 2013(6) SLR 629; 2011 (4) SCC 374, decision of Hon'ble High Court in LPA No. 740 of 2015 (O&M) by taking the plea that as stated above petitioner is not entitled to any relief on merits as well as belated and stale claim cannot be accepted after a delay of more than 4 decades. Even though certain employees have been granted relief by the Hon'ble High Court in the year 2000 as upheld by the Hon'ble Supreme Court on 08.12.2015 and arrears of amount confined to only 38 months prior to filing of the writ petitions which were filed in the year 1997, 1998 and 2000 respectively and getting a direction from the Hon'ble High Court to decide the legal notice does not provide fresh cause of action of a time barred stale claim. The claim which the petitioners now claimed in the year 2018-19 by serving a legal notice, the actual cause of action arose in the year 1973-74. Adhoc interim relief granted already deducted/adjusted amount gives only a right to recovery and the limitation to recover the amount deducted/adjusted is three years, which lapses way back in the year 1976-77. The petitioners cannot be extended the benefit of decision of Hon'ble Supreme Court dated 08.12.2015 as stated in the preceding paras on account of parity with other employees of the judgment passed by the Hon'ble High Court in the year

* 2000 & 2003.

Here in the present cases also, the cause of action arose during the year 1973-74 and the petitioners have challenged the said action after more than 4 decade. Further, while deciding SLP (C) No. 20144 of 1991-State of Haryana & another V/s O.P. Sharma & another, the Hon'ble Supreme Court of India vide its order dated 17.02.1993 held that the action of the State Government in either recovery or adjustment of interim adhoc relief does not suffer any illegality, arbitrariness or discrimination. Hence, the benefit of restoration of a part of the amount of adhoc relief which was deducted while fixation of pay w.e.f. 01.04.1979 as claimed in the legal notice dated 13.02.2019 cannot be extended to the petitioner keeping in view the position narrated above. Thus, the claim of the petitioners is rejected on merits as well as a stale claim suffers from delay & laches.

I order accordingly in compliance of directions dated 07.12.2018 passed by the Hon'ble Punjab & Haryana High Court in CWP No.31065 of 2018 titled as Vijai Singh & Another Vs. State of Haryana & Others.

Be communicated to all concerned.

1
(J.GANESAN)
DIRECTOR SECONDARY EDUCATION
HARYANA, PANCHKULA

Endst. No. 13/285-2019 HRME-1(6)

Dated: 15.7.2020

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

To

1. Sh. Ram Niwas S/o Sh. Chander Bhan,
R/o Village Uninda, P.O. Ateli Mandi, Mahendergarh.

2 DEO Natpaul

3 IT cell

Shahar/16
SUPERINTENDENT HRME-I
FOR DIRECTOR SECONDARY EDUCATION,
HARYANA, PANCHKULA

**GOVERNMENT OF HARYANA
SCHOOL EDUCATION DEPARTMENT
CHANDIGARH**

No. 18/270-2020 PGT-IV (3)

Dated, Chandigarh, 29.06.2020

In accordance with the instructions contained in Haryana Government Finance Department Notification No. 1/83/2008/1 PR (FD), dated 31.12.2008 and letter dated 04-03-2014 and Notification No. 1/20/2016(ACP)-5 PR (FD) dated 28.10.2016, **Smt. Neelam Kumari, PGT English, GSSS Chang, District Bhiwani** is hereby granted **2nd ACP** in the pay band of Rs. 9300-34800+GP 5400 (ACPL-12) w.e.f. 01.10.2019 after completion of 16 years regular satisfactory service. It is being granted only in lieu of promotion/non availability of promotion avenues for the time being and is liable to be withdrawn without any notice in the event of forgoing/declining of hierarchical promotion.

**Satinder Siwatch
Deputy Secretary to Government Haryana
School Education Department
Haryana, Panchkula**

OFFICE OF DIRECTOR SECONDARY EDUCATION, HARYANA, PANCHKULA

Endst. No. 18/270-2020 PGT-IV (3)

Dated, Panchkula the 17.7.20

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

1. The Principal, Accountant General (A&E) Haryana, Chandigarh.
2. District Education Officer, Bhiwani w.r.t. their Memo No. E-2-2019/9293, dated 24.12.2019 alongwith Service book of Smt. Neelam Kumari, PGT English, GSSS Chang, District Bhiwani.
3. Treasury Officer concerned.
4. Principal, GSSS Chang, District Bhiwani.
5. Smt. Neelam Kumari, PGT English, GSSS Chang, District Bhiwani.
6. I.T. Cell (Local).

DA/As above.

u.gu.
17/7
**Dy. Superintendent PGT-IV
for Director Secondary Education
Haryana, Panchkula**

**OFFICE OF DIRECTOR SECONDARY EDUCATION HARYANA,
PANCHKULA**

Order No. 4/14-2020 PGT-1 (2)

Dated, Panchkula, the 16.07.2020

Director Secondary Education have issued appointment orders in various subjects with temporary place of posting, however, some of the PGTs were submits its representation with the request that they may be adjusted any other place of posting as they were unable to join or not allowed to join at the allotted place of posting. Accordingly, the requests have been considered and decided that the District Education Officer concerned are to be directed to adjust them at their own level temporarily on workload basis with the direction to approve their MIS profile from allotted place of posting, so that, they can participate in the next phase of transfer drive for permanent posting. The detail of PGTs, previously allotted place of posting and District Education Officer concerned is as under:-

Sr. No.	Name, Subject, Roll. No., Merit No.	Allotted School	DEO concerned
1.	Sh. Dalip Kumar, PGT History, Roll No. 13085619, Merit No. 235-A	GSSS Sadalpur (Hisar) [1472]	DEO, Hisar.
2.	Smt. Sudesh Kumari, PGT Maths Roll No. 61000505, Merit No. 187-A	GSSS Kumaspur (Sonipat) [3475]	DEO, Sonipat.
3.	Sh. Kailash Kumar, Roll No. 13083983, PGT History, Merit No. 105	GSSS Khairari (Rohtak) [2781]	DEO, Rohtak.
4.	Sh. Deepak Mittal, PGT Physics, Roll No. 41200114, Merit No. 297-A	GSSS Jassana (Faridabad) [982]	DEO, Faridabad
5.	Smt. Kavita, PGT Maths, Roll No. 61003428, Merit No. 588-A	GSSS Paharpur (Kaithal) [6361]	DEO, Hisar
6.	Sh. Jagtar Singh, PGT Physics, Roll No. 41201163, Merit No. 295-A,	GSSS Bharokhan (Sirsa) [2818]	DEO Sirsa.

Note :-The other terms and conditions of the appointment letters issued to the aforesaid PGTs will remain same.


**J. Ganesan
Director Secondary Education
Haryana Panchkula**

Dated Panchkula, the:- 20.07.2020

Endst. No. Even

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

1. District Education Officer concerned.
2. Head of the institution concerned.
3. The officials concerned.
- ✓ 4. I.T. Cell (H.Q.).


**DY. SUPERINTENDENT PGT-I
for DIRECTOR SECONDARY EDUCATION
HARYANA, PANCHKULA**

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OFFICE OF THE DIRECTOR SECONDARY EDUCATION, HARYANA,
PANCHKULA

ORDER No.13/214-2019 PGT-II (5)

DATED, PANCHKULA, THE 14/07/2020

Whereas, Sunita (Employee ID No.: 206712) PGT Economics has filed the CWP No. 30312 of 2019 before the Hon'ble High Court in the nature of certiorari for quashing the impugned order dated 22.08.2019 (Annexure P-3 to Annexure P-17) and further directing the respondents to unblock the post which has been kept blocked and also further include the Guest Teachers in the Transfer Drive.

Whereas the above mentioned writ petition was disposed of on 18.10.2019 and the operative part of the order is reproduced as under:

"Prayer in the present writ petition is for quashing of impugned transfer orders dated 22.08.2019 (Annexure P-3 to P-17).

The impugned orders are dated 22.08.2019, thus, it would not be appropriate for this Court to break cycle of transfers. In case, petitioners are aggrieved, shall be at liberty to make representation or upload objections, if any, on MIS portal. In case such objections are taken or already submitted, respondents are directed to dispose of the same after affording opportunity of hearing to petitioners within a period of one month from the date of receipt of certified copy of this Court by passing a reasonable speaking order in accordance with transfer policy.

With aforesaid direction, the writ petition stands disposed of."

Whereas, the Government of Haryana framed Teachers Transfer Policy, 2016 dated 29.06.2016 and the same was amended on 01.06.2017. Thereupon, transfers were made under this amended policy of 2017 to ensure equitable, demand based distribution of

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teachers/Heads to protect academic interests of students and optimize job satisfaction amongst its employees in a fair and transparent manner. Under this policy all government schools have been categorized into seven zones for the purpose of transfer of teachers and the teacher is eligible to opt any number of schools across the zones available to him, across the district in the State. He is free to give preferences in order of his suitability. That for the purpose of Transfer Drive, the teachers who have already completed a period of 1 year of service in a particular zone may seek transfer to some other station voluntarily while on the other hand following categories of teachers have been asked to participate in transfer drive compulsorily:

- a. A post of any cadre held by a teacher previously or presently in the school education department in a regular capacity for a period of 5 years or more on the qualifying date in present zone of posting, shall be taken as a deemed vacancy and such teacher shall compulsorily participate in the transfer drive.
- b. Teachers declared surplus from a station as a part of rationalization/Normalization shall also compulsorily in the transfer drive.
- c. Teachers who have been given temporary manual posting previously due to non-availability of online transfer drive or technical problem or compulsion of.

Whereas, in compliance of the above directions of the Hon'ble High Court dated 18.10.2019 the petitioner was accorded an opportunity of personal hearing on 03.07.2020. During the hearing the petitioner has submitted that, she had preferred 37 stations as preferences in Transfer Drive, but got station under 'anywhere category'. This station in

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Mahendegarh district is 130 KM far from her residence in Jhajjar. Her husband is medical patient so requested for adjustment nearby. The case of the petitioner is examined and it was found that consequent upon completion of her 5 years in present zone (Zone 4), transfer drive was activated compulsorily for her as per policy. She also exercised his option for filling preferences, but got station under 'anywhere category' due to low merit points (51.411)/less choices (35).

In view of the position explained above, it is clear that the petitioner has been rightly transferred as per the provision of the Teachers Transfer Policy, 2016 (as amended 01.06.2017) and there is no substance in the representation of the petitioner and the same is liable to be rejected being devoid of any merits.

I order accordingly.

(J. Ganesan)
Director Secondary Education,
Haryana, Panchkula

Regd.

To

Smt. Sunita W/o Sh. Sunil Kumar,
R/o Village Rurki (Rohtak)

Endst. No. Even

Dated, Panchkula, the 17/07/2020

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

1. The District Education Officer, Jhajjar.
2. Principal, GSSS Dulehra (Jhajjar).
- ✓ 3. IT Cell for information/updation.

Dy. Superintendent PGT-II
for Director, Secondary Education,
Haryana, Panchkula

1. The first part of the paper is devoted to a general discussion of the problem of the existence of solutions of the system of equations

$$\begin{cases} \Delta u = f(x, y, z, u, v, w) \\ \Delta v = g(x, y, z, u, v, w) \\ \Delta w = h(x, y, z, u, v, w) \end{cases} \quad (1)$$

where f, g, h are continuous functions of the variables x, y, z, u, v, w and satisfy certain conditions.

2. In the second part of the paper we consider the case when the functions f, g, h are linear in the variables u, v, w .

3. In the third part of the paper we consider the case when the functions f, g, h are quadratic in the variables u, v, w .

4. In the fourth part of the paper we consider the case when the functions f, g, h are cubic in the variables u, v, w .

5. In the fifth part of the paper we consider the case when the functions f, g, h are of higher order in the variables u, v, w .

6. In the sixth part of the paper we consider the case when the functions f, g, h are of arbitrary order in the variables u, v, w .

7. In the seventh part of the paper we consider the case when the functions f, g, h are of arbitrary order in the variables u, v, w .

8. In the eighth part of the paper we consider the case when the functions f, g, h are of arbitrary order in the variables u, v, w .

9. In the ninth part of the paper we consider the case when the functions f, g, h are of arbitrary order in the variables u, v, w .

10. In the tenth part of the paper we consider the case when the functions f, g, h are of arbitrary order in the variables u, v, w .

OFFICE OF THE DIRECTOR SECONDARY EDUCATION, HARYANA,
PANCHKULA

ORDER No.13/214-2019 PGT-II (5)

DATED, PANCHKULA, THE 14/7/2020

Whereas, Anil Kumar (Employee ID No.: 088773) PGT English has filed the CWP No. 30312 of 2019 before the Hon'ble High Court in the nature of certiorari for quashing the impugned order dated 22.08.2019 (Annexure P-3 to Annexure P-17) and further directing the respondents to unblock the post which has been kept blocked and also further include the Guest Teachers in the Transfer Drive.

Whereas the above mentioned writ petition was disposed of on 18.10.2019 and the operative part of the order is reproduced as under:

"Prayer in the present writ petition is for quashing of impugned transfer orders dated 22.08.2019 (Annexure P-3 to P-17).

The impugned orders are dated 22.08.2019, thus, it would not be appropriate for this Court to break cycle of transfers. In case, petitioners are aggrieved, shall be at liberty to make representation or upload objections, if any, on MIS portal. In case such objections are taken or already submitted, respondents are directed to dispose of the same after affording opportunity of hearing to petitioners within a period of one month from the date of receipt of certified copy of this Court by passing a reasonable speaking order in accordance with transfer policy.

With aforesaid direction, the writ petition stands disposed of."

Whereas, the Government of Haryana framed Teachers Transfer Policy, 2016 dated 29.06.2016 and the same was amended on 01.06.2017. Thereupon, transfers were made under this amended policy of 2017 to ensure equitable, demand based distribution of teachers/Heads to protect academic interests of students and optimize

job satisfaction amongst its employees in a fair and transparent manner. Under this policy all government schools have been categorized into seven zones for the purpose of transfer of teachers and the teacher is eligible to opt any number of schools across the zones available to him, across the district in the State. He is free to give preferences in order of his suitability. That for the purpose of Transfer Drive, the teachers who have already completed a period of 1 year of service in a particular zone may seek transfer to some other station voluntarily while on the other hand following categories of teachers have been asked to participate in transfer drive compulsorily:

- a. A post of any cadre held by a teacher previously or presently in the school education department in a regular capacity for a period of 5 years or more on the qualifying date in present zone of posting, shall be taken as a deemed vacancy and such teacher shall compulsorily participate in the transfer drive.
- b. Teachers declared surplus from a station as a part of rationalization/Normalization shall also compulsorily in the transfer drive.
- c. Teachers who have been given temporary manual posting previously due to non-availability of online transfer drive or technical problem or compulsion of.

Whereas, in compliance of the above directions of the Hon'ble High Court dated 18.10.2019 the petitioner was accorded an opportunity of personal hearing on 03.07.2020. During the hearing the petitioner has submitted that that he had got station in district Mewat whereas he has one daughter aged 19 years who is under depression, he wants his adjustment due to his family problem. The case of the petitioner is

1. *Introduction*

2. *Method*

3. *Results*

4. *Discussion*

5. *Conclusion*

The purpose of this study was to investigate the effects of a new educational program on the learning outcomes of students in a mathematics course. The study was conducted over a period of six months, during which time the program was implemented in a classroom setting. The results of the study showed that the program had a positive impact on the learning outcomes of the students, with significant improvements in their scores on the final exam. The study also found that the program was well-received by the students, who reported that they enjoyed the program and found it to be helpful in their learning. The study has several limitations, including the fact that it was conducted in a single classroom and the results may not be generalizable to other classrooms. Further research is needed to investigate the long-term effects of the program and to determine whether the program can be implemented in other classrooms. The study has several strengths, including the fact that it was conducted in a real-world setting and the results were based on data collected from the students themselves. The study also has several implications for practice, including the fact that the program can be used as a model for other educational programs and that it can be used to improve the learning outcomes of students in a mathematics course. The study has several limitations, including the fact that it was conducted in a single classroom and the results may not be generalizable to other classrooms. Further research is needed to investigate the long-term effects of the program and to determine whether the program can be implemented in other classrooms. The study has several strengths, including the fact that it was conducted in a real-world setting and the results were based on data collected from the students themselves. The study also has several implications for practice, including the fact that the program can be used as a model for other educational programs and that it can be used to improve the learning outcomes of students in a mathematics course.

examined and it has been found that his that he had got station of his 10th choice with in same Gurugram district in General Transfer Drive, 2019. Then he again participated in Grievance Redressal Drive and thereupon got posted under 'anywhere category'.

In view of the position explained above, it is clear that the petitioner has been rightly transferred as per the provision of the Teachers Transfer Policy, 2016 (as amended time to time) and there is no substance in the representation of the petitioner and the same is liable to be rejected being devoid of any merits.

I order accordingly.

(J. Ganesan)
Director Secondary Education,
Haryana, Panchkula

Regd.

To

Sh. Anil Kumar S/o Sh. Rohtash Singh,
R/o Karawara (Rewari).

Endst. No. Even

Dated, Panchkula, the 17/07/2020

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

1. The District Education Officer, Gurugram.
2. Headmaster, GHS Balewa (Gurugram).
- ✓ 3. IT Cell for information/update.

Dy. Superintendent PGT-II
for Director, Secondary Education,
Haryana, Panchkula

OFFICE OF THE DIRECTOR SECONDARY EDUCATION, HARYANA,
PANCHKULA

ORDER No.13/214-2019 PGT-II (5)

DATED, PANCHKULA, THE 14/7/2020

Whereas, Sudesh (Employee ID No.: 206057) PGT English has filed the CWP No. 30312 of 2019 before the Hon'ble High Court in the nature of certiorari for quashing the impugned order dated 22.08.2019 (Annexure P-3 to Annexure P-17) and further directing the respondents to unblock the post which has been kept blocked and also further include the Guest Teachers in the Transfer Drive.

Whereas the above mentioned writ petition was disposed of on 18.10.2019 and the operative part of the order is reproduced as under:

"Prayer in the present writ petition is for quashing of impugned transfer orders dated 22.08.2019 (Annexure P-3 to P-17).

The impugned orders are dated 22.08.2019, thus, it would not be appropriate for this Court to break cycle of transfers. In case, petitioners are aggrieved, shall be at liberty to make representation or upload objections, if any, on MIS portal. In case such objections are taken or already submitted, respondents are directed to dispose of the same after affording opportunity of hearing to petitioners within a period of one month from the date of receipt of certified copy of this Court by passing a reasonable speaking order in accordance with transfer policy.

With aforesaid direction, the writ petition stands disposed of."

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Whereas, the Government of Haryana framed **Teachers Transfer Policy, 2016** dated 29.06.2016 and the same was amended

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on 01.06.2017. Thereupon, transfers were made under this amended policy of 2017 to ensure equitable, demand based distribution of teachers/Heads to protect academic interests of students and optimize job satisfaction amongst its employees in a fair and transparent manner. Under this policy all government schools have been categorized into seven zones for the purpose of transfer of teachers and the teacher is eligible to opt any number of schools across the zones available to him, across the district in the State. He is free to give preferences in order of his suitability. That for the purpose of Transfer Drive, the teachers who have already completed a period of 1 year of service in a particular zone may seek transfer to some other station voluntarily while on the other hand following categories of teachers have been asked to participate in transfer drive compulsorily:

- a. A post of any cadre held by a teacher previously or presently in the school education department in a regular capacity for a period of 5 years or more on the qualifying date in present zone of posting, shall be taken as a deemed vacancy and such teacher shall compulsorily participate in the transfer drive.
- b. Teachers declared surplus from a station as a part of rationalization/Normalization shall also compulsorily in the transfer drive.
- c. Teachers who have been given temporary manual posting previously due to non-availability of online transfer drive or technical problem or compulsion of.

Whereas in compliance of the above directions of the Hon'ble High Court dated 18.10.2019 the petitioner was accorded an opportunity of personal hearing on 03.07.2020. During the hearing the Petitioner has

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submitted that she has got station under anywhere category in district Jind, which is 140 Km from her residence in Jhajjar. Her husband is working in Delhi and has two kids to care. She wanted adjustment in home district Jhajjar. The case of the petitioner is examined and it was found that she had completed her 5 years in present zone, transfer drive was activated compulsorily for her as per policy. She also exercised his option for filling preferences, but got station under Anywhere Category due to low merit points (46.6055) /less choices (48 preferences). Therefore, got station under anywhere category in district Jind because no vacancy was available in any other nearby district to Jhajjar.

In view of the position explained above, it is clear that the petitioner has been rightly transferred as per the provision of the Teachers Transfer Policy, 2016 (as amended on 01.06.2017) and there is no substance in the representation of the petitioner and the same is liable to be rejected being devoid of any merits.

I order accordingly.

(J. Ganesan)
Director Secondary Education,
Haryana, Panchkula

Regd.

To

Smt. Sudesh Kumari W/o Sh. Sumer Singh,
R/o VPO Sankhol, Near Satsang Bhawan (Jhajjar)

Endst. No. Even

Dated, Panchkula, the 17/07/2020

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

1. The District Education Officer, Jhajjar .
2. Principal, GSSS Mandauthi (Jhajjar)
- ✓ 3. IT Cell for information/updation.

Dy. Superintendent PGT-II
for Director, Secondary Education,
Haryana, Panchkula

1. The first part of the paper is devoted to a general discussion of the problem of the existence of solutions of the system of equations (1) for arbitrary values of the parameters α and β . It is shown that the system has solutions for all values of the parameters α and β if the function $f(x)$ is continuous and has a bounded derivative.

2. In the second part of the paper the problem of the existence of solutions of the system of equations (1) for arbitrary values of the parameters α and β is solved. It is shown that the system has solutions for all values of the parameters α and β if the function $f(x)$ is continuous and has a bounded derivative. The solutions are found in explicit form.

3. In the third part of the paper the problem of the existence of solutions of the system of equations (1) for arbitrary values of the parameters α and β is solved. It is shown that the system has solutions for all values of the parameters α and β if the function $f(x)$ is continuous and has a bounded derivative. The solutions are found in explicit form.

4. In the fourth part of the paper the problem of the existence of solutions of the system of equations (1) for arbitrary values of the parameters α and β is solved. It is shown that the system has solutions for all values of the parameters α and β if the function $f(x)$ is continuous and has a bounded derivative. The solutions are found in explicit form.

OFFICE OF THE DIRECTOR SECONDARY EDUCATION, HARYANA,
PANCHKULA

ORDER No.13/214-2019 PGT-II (5)

DATED, PANCHKULA, THE 14/7/2020

Whereas, Baljeet (Employee ID No.: 5018926) PGT Mathematics has filed the CWP No. 30312 of 2019 before the Hon'ble High Court in the nature of certiorari for quashing the impugned order dated 22.08.2019 (Annexure P-3 to Annexure P-17) and further directing the respondents to unblock the post which has been kept blocked and also further include the Guest Teachers in the Transfer Drive.

Whereas the above mentioned writ petition was disposed of on 18.10.2019 and the operative part of the order is reproduced as under:

"Prayer in the present writ petition is for quashing of impugned transfer orders dated 22.08.2019 (Annexure P-3 to P-17).

The impugned orders are dated 22.08.2019, thus, it would not be appropriate for this Court to break cycle of transfers. In case, petitioners are aggrieved, shall be at liberty to make representation or upload objections, if any, on MIS portal. In case such objections are taken or already submitted, respondents are directed to dispose of the same after affording opportunity of hearing to petitioners within a period of one month from the date of receipt of certified copy of this Court by passing a reasonable speaking order in accordance with transfer policy.

With aforesaid direction, the writ petition stands disposed of."

Whereas, the Government of Haryana framed **Teachers Transfer Policy, 2016** dated 29.06.2016 and the same was amended on 01.06.2017. Thereupon, transfers were made under this amended

policy of 2017 to ensure equitable, demand based distribution of teachers/Heads to protect academic interests of students and optimize job satisfaction amongst its employees in a fair and transparent manner. Under this policy all government schools have been categorized into seven zones for the purpose of transfer of teachers and the teacher is eligible to opt any number of schools across the zones available to him, across the district in the State. He is free to give preferences in order of his suitability. That for the purpose of Transfer Drive, the teachers who have already completed a period of 1 year of service in a particular zone may seek transfer to some other station voluntarily while on the other hand following categories of teachers have been asked to participate in transfer drive compulsorily:

- a. A post of any cadre held by a teacher previously or presently in the school education department in a regular capacity for a period of 5 years or more on the qualifying date in present zone of posting, shall be taken as a deemed vacancy and such teacher shall compulsorily participate in the transfer drive.
- b. Teachers declared surplus from a station as a part of rationalization/Normalization shall also compulsorily in the transfer drive.
- c. Teachers who have been given temporary manual posting previously due to non-availability of online transfer drive or technical problem or compulsion of.

Whereas, in compliance of the above directions of the Hon'ble High Court dated 18.10.2019 the petitioner was accorded an opportunity of personal hearing on 03.07.2020. During the hearing the petitioner has submitted that, during the General Transfer Drive, 2019 the web-portal

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system transferred the petitioner to Fatehabad under 'anywhere category' and again in Grievance Redressal Drive he has been posted in Mewat District. The case of the petitioner is examined and it was found that prior to the General Transfer Drive, 2019 he was posted at a temporary station being newly selected candidate with condition that all such newly selected candidates will seek permanent posting in coming General Transfer Drive as per policy. Accordingly he exercised his option for filling preferences, but got station under Anywhere category due to low merit points (35.1507).

In view of the position explained above, it is clear that the petitioner has been rightly transferred as per the provision of the Teachers Transfer Policy, 2016 (as amended on 01.06.2017) and there is no substance in the representation of the petitioner and the same is liable to be rejected being devoid of any merits.

I order accordingly.

(J. Ganesan)
Director Secondary Education,
Haryana, Panchkula

Regd.

To

Sh. Baljeet S/o Sh. Faqir Singh,
R/o Village Palri (Mahendergarh)

Endst. No. Even

Dated, Panchkula, the 17/7/2020

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

1. The District Education Officer, Charkhi Dadri.
2. Principal, GSSS Norangabas (Charkhi Dadri).
- ✓ 3. IT Cell for information/updation.

Dy. Superintendent PGT-II
for Director, Secondary Education,
Haryana, Panchkula

**OFFICE OF THE DIRECTOR SECONDARY EDUCATION, HARYANA,
PANCHKULA**

ORDER No.13/214-2019 PGT-II (5)

DATED, PANCHKULA, THE

Whereas, Bhagat Singh (Employee ID No.: 202033) PGT History has filed the CWP No. 30312 of 2019 before the Hon'ble High Court in the nature of certiorari for quashing the impugned order dated 22.08.2019 (Annexure P-3 to Annexure P-17) and further directing the respondents to unblock the post which has been kept blocked and also further include the Guest Teachers in the Transfer Drive.

Whereas the above mentioned writ petition was disposed of on 18.10.2019 and the operative part of the order is reproduced as under:

"Prayer in the present writ petition is for quashing of impugned transfer orders dated 22.08.2019 (Annexure P-3 to P-17).

The impugned orders are dated 22.08.2019, thus, it would not be appropriate for this Court to break cycle of transfers. In case, petitioners are aggrieved, shall be at liberty to make representation or upload objections, if any, on MIS portal. In case such objections are taken or already submitted, respondents are directed to dispose of the same after affording opportunity of hearing to petitioners within a period of one month from the date of receipt of certified copy of this Court by passing a reasonable speaking order in accordance with transfer policy.

With aforesaid direction, the writ petition stands disposed of."

Whereas, the Government of Haryana framed **Teachers Transfer Policy, 2016** dated 29.06.2016 and the same was amended on 01.06.2017. Thereupon, transfers were made under this amended

policy of 2017 to ensure equitable, demand based distribution of teachers/Heads to protect academic interests of students and optimize job satisfaction amongst its employees in a fair and transparent manner. Under this policy all government schools have been categorized into seven zones for the purpose of transfer of teachers and the teacher is eligible to opt any number of schools across the zones available to him, across the district in the State. He is free to give preferences in order of his suitability. That for the purpose of Transfer Drive, the teachers who have already completed a period of 1 year of service in a particular zone may seek transfer to some other station voluntarily while on the other hand following categories of teachers have been asked to participate in transfer drive compulsorily:

- a. A post of any cadre held by a teacher previously or presently in the school education department in a regular capacity for a period of 5 years or more on the qualifying date in present zone of posting, shall be taken as a deemed vacancy and such teacher shall compulsorily participate in the transfer drive.
- b. Teachers declared surplus from a station as a part of rationalization/Normalization shall also compulsorily in the transfer drive.
- c. Teachers who have been given temporary manual posting previously due to non-availability of online transfer drive or technical problem or compulsion of.

Whereas in compliance of the above directions of the Hon'ble High Court dated 18.10.2019 the petitioner was accorded an opportunity of personal hearing on 03.07.2020. During the hearing the petitioner has submitted that he is only male in his family (including three unmarried

sisters and 86 years old mother) and transferred at a far place in transfer drive. He was already working at GGSSS Koth Kalan and has no submitted any willingness for transfer. The case of the petitioner is examined and it was found that GGSSS Koth Kalan was allocated to him as temporary station being newly selected candidate with condition that all such newly selected candidates will seek permanent posting in coming General Transfer Drive as per policy.

In view of the position explained above, it is clear that the petitioner has been rightly transferred as per the provision of the Teachers Transfer Policy, 2016 (as amended on 01.06.2017) and there is no substance in the representation of the petitioner and the same is liable to be rejected being devoid of any merits.

I order accordingly.

(J. Ganesan)
Director Secondary Education,
Haryana, Panchkula

Regd.

To

Sh. Bhagat Singh S/o Sh. Baje Singh,
R/o Bhagotipur (Rohtak).

Endst. No. Even

Dated, Panchkula, the 17/07/2020

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

1. The District Education Officer, Jhajjar.
2. Principal, GSSS Bhindawas (Jhajjar)
- ✓ 3. IT Cell for information/updation.

Dy. Superintendent PGT-II
for Director, Secondary Education,
Haryana, Panchkula

OFFICE OF THE DIRECTOR SECONDARY EDUCATION, HARYANA,
PANCHKULA

ORDER No.13/214-2019 PGT-II (5)

DATED, PANCHKULA, THE 14/7/2020

Whereas, Kaptan Singh (Employee ID No.: 095513) PGT History has filed the CWP No. 30312 of 2019 before the Hon'ble High Court in the nature of certiorari for quashing the impugned order dated 22.08.2019 (Annexure P-3 to Annexure P-17) and further directing the respondents to unblock the post which has been kept blocked and also further include the Guest Teachers in the Transfer Drive.

Whereas the above mentioned writ petition was disposed of on 18.10.2019 and the operative part of the order is reproduced as under:

"Prayer in the present writ petition is for quashing of impugned transfer orders dated 22.08.2019 (Annexure P-3 to P-17).

The impugned orders are dated 22.08.2019, thus, it would not be appropriate for this Court to break cycle of transfers. In case, petitioners are aggrieved, shall be at liberty to make representation or upload objections, if any, on MIS portal. In case such objections are taken or already submitted, respondents are directed to dispose of the same after affording opportunity of hearing to petitioners within a period of one month from the date of receipt of certified copy of this Court by passing a reasonable speaking order in accordance with transfer policy.

With aforesaid direction, the writ petition stands disposed of."

Whereas, the Government of Haryana framed **Teachers Transfer Policy, 2016** dated 29.06.2016 and the same was amended on 01.06.2017. Thereupon, transfers were made under this amended policy of 2017 to ensure equitable, demand based distribution of teachers/Heads to protect academic interests of students and optimize

job satisfaction amongst its employees in a fair and transparent manner. Under this policy all government schools have been categorized into seven zones for the purpose of transfer of teachers and the teacher is eligible to opt any number of schools across the zones available to him, across the district in the State. He is free to give preferences in order of his suitability. That for the purpose of Transfer Drive, the teachers who have already completed a period of 1 year of service in a particular zone may seek transfer to some other station voluntarily while on the other hand following categories of teachers have been asked to participate in transfer drive compulsorily:

- a. A post of any cadre held by a teacher previously or presently in the school education department in a regular capacity for a period of 5 years or more on the qualifying date in present zone of posting, shall be taken as a deemed vacancy and such teacher shall compulsorily participate in the transfer drive.
- b. Teachers declared surplus from a station as a part of rationalization/Normalization shall also compulsorily in the transfer drive.
- c. Teachers who have been given temporary manual posting previously due to non-availability of online transfer drive or technical problem or compulsion of.

Whereas, in compliance of the above directions of the Hon'ble High Court dated 18.10.2019 the petitioner was accorded an opportunity of personal hearing on 03.07.2020. During the hearing the Petitioner has submitted that he has been transferred from Sonapat to Hisar in General Transfer Drive which requires 8 to 9 hour of travelling time, whereas he is suffering from cervical spondolitis. He also submitted that his wife is

working as a Nurse in PGIMS Rohtak and needs urgent and utmost care due to her pregnancy and his mother is a BP and heart patient. The case of the petitioner is examined and it was found that consequent upon completion of his 5 years in present zone, transfer drive was activated compulsorily for him as per policy. He also exercised his option for filling preferences, but got station under "Anywhere category" due to low merit points/less choices. But in Grievance Redressal Drive, he got station of his choice (12th Preference).

In view of the position explained above, it is clear that the petitioner has been rightly transferred as per the provision of the Teachers Transfer Policy, 2016 (as amended on 01.06.2017) and there is no substance in the representation of the petitioner and the same is liable to be rejected being devoid of any merits.

I order accordingly.

(J. Ganesan)
Director Secondary Education,
Haryana, Panchkula

Regd.

To

Sh. Kaptan Singh S/o Sh. Krishan Chand,
R/o Village Bhainsru Kalan (Rohtak).

Endst. No. Even

Dated, Panchkula, the 17/7/2020

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

1. The District Education Officer, Sonipat.
2. Principal, GSSS Matindu (Sonipat).
- ✓ 3. IT Cell for information/updation.

Dy. Superintendent PGT-II
for Director, Secondary Education,
Haryana, Panchkula

OFFICE OF THE DIRECTOR SECONDARY EDUCATION, HARYANA,
PANCHKULA

ORDER No.13/214-2019 PGT-II (5)

DATED, PANCHKULA, THE 14/7/2020

Whereas, Ajay Kumar (Employee ID No.: 5018929) PGT Mathematics has filed the CWP No. 30312 of 2019 before the Hon'ble High Court in the nature of certiorari for quashing the impugned order dated 22.08.2019 (Annexure P-3 to Annexure P-17) and further directing the respondents to unblock the post which has been kept blocked and also further include the Guest Teachers in the Transfer Drive.

Whereas the above mentioned writ petition was disposed of on 18.10.2019 and the operative part of the order is reproduced as under:

"Prayer in the present writ petition is for quashing of impugned transfer orders dated 22.08.2019 (Annexure P-3 to P-17).

The impugned orders are dated 22.08.2019, thus, it would not be appropriate for this Court to break cycle of transfers. In case, petitioners are aggrieved, shall be at liberty to make representation or upload objections, if any, on MIS portal. In case such objections are taken or already submitted, respondents are directed to dispose of the same after affording opportunity of hearing to petitioners within a period of one month from the date of receipt of certified copy of this Court by passing a reasonable speaking order in accordance with transfer policy.

With aforesaid direction, the writ petition stands disposed of."

Whereas, the Government of Haryana framed **Teachers Transfer Policy, 2016** dated 29.06.2016 and the same was amended on 01.06.2017. Thereupon, transfers were made under this amended policy of 2017 to ensure equitable, demand based distribution of

teachers/Heads to protect academic interests of students and optimize job satisfaction amongst its employees in a fair and transparent manner. Under this policy all government schools have been categorized into seven zones for the purpose of transfer of teachers and the teacher is eligible to opt any number of schools across the zones available to him, across the district in the State. He is free to give preferences in order of his suitability. That for the purpose of Transfer Drive, the teachers who have already completed a period of 1 year of service in a particular zone may seek transfer to some other station voluntarily while on the other hand following categories of teachers have been asked to participate in transfer drive compulsorily:

- a. A post of any cadre held by a teacher previously or presently in the school education department in a regular capacity for a period of 5 years or more on the qualifying date in present zone of posting, shall be taken as a deemed vacancy and such teacher shall compulsorily participate in the transfer drive.
- b. Teachers declared surplus from a station as a part of rationalization/Normalization shall also compulsorily in the transfer drive.
- c. Teachers who have been given temporary manual posting previously due to non-availability of online transfer drive or technical problem or compulsion of.

Whereas, in compliance of the above directions of the Hon'ble High Court dated 18.10.2019 the petitioner was accorded an opportunity of personal hearing on 03.07.2020. During the hearing the petitioner has submitted that he belongs to Rest of Haryana (RoH) cadre and was posted in district Jhajjar, but in General Transfer Drive (GTD)

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he has been posted in Mewat District under anywhere category and then he participated in Grievance Redressal Drive (GRD) and he got Government Senior Secondary School Baghpur, Palwal (1123) [Zone 7] which is far from his home, due to which he is facing many problems. The case of the petitioner is examined and it has been found that being newly selected employee it was compulsory for him to participate in the drive. Accordingly, he exercised his option for filling preferences. As per MIS record he had 34.9397 points but his all choices were allocated to teachers with much higher merit points than the petitioner. As there is scarcity of teachers in district Mewat, so RoH cadre employees, without changing their cadre, are being allowed to be posted in Mewat District. Therefore, system had posted him to Mewat under anywhere category in General Transfer Drive, 2019, due to the fact that vacancy in any other nearby district to Jhajjar was not available. Department had again offered him change his station in Grievance Redressal Drive, in which he got station from his preferences.

In view of the position explained above, it is clear that the petitioner has been rightly transferred as per the provision of the Teachers Transfer Policy, 2016 (as amended on 01.06.2017) and there is no substance in the representation of the petitioner and the same is liable to be rejected being devoid of any merits.

I order accordingly.

(J. Ganesan)
Director Secondary Education,
Haryana, Panchkula

Regd.

To


Sh. Ajay Kumar S/o Sh. Dalip Singh,
R/o VPO Palhawas (Rewari)

Endst. No. Even

Dated, Panchkula, the 17/7/2020

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

1. The District Education Office, Jhajjar.
2. Principal, GSSS Subana (Jhajjar).
- ✓ 3. IT Cell for information/update.


**Dy. Superintendent PGT-II
for Director, Secondary Education,
Haryana, Panchkula**

**OFFICE OF THE DIRECTOR SECONDARY EDUCATION,
HARYANA, PANCHKULA**

ORDER No.13/214-2019 PGT-II (5)

DATED, PANCHKULA, THE 14/7/2020

Whereas, Sanjay Kumar (Employee ID No.: 208427) PGT Hindi has filed CWP No. 30312 of 2019 before the Hon'ble High Court in the nature of certiorari for quashing the impugned order dated 22.08.2019 (Annexure P-3 to Annexure P-17) and further directing the respondents to unblock the post which has been kept blocked and also further include the Guest Teachers in the Transfer Drive.

Whereas the above mentioned writ petition was disposed of on 18.10.2019 and the operative part of the order is reproduced as under:

"Prayer in the present writ petition is for quashing of impugned transfer orders dated 22.08.2019 (Annexure P-3 to P-17).

The impugned orders are dated 22.08.2019, thus, it would not be appropriate for this Court to break cycle of transfers. In case, petitioners are aggrieved, shall be at liberty to make representation or upload objections, if any, on MIS portal. In case such objections are taken or already submitted, respondents are directed to dispose of the same after affording opportunity of hearing to petitioners within a period of one month from the date of receipt of certified copy of this Court by passing a reasonable speaking order in accordance with transfer policy.

With aforesaid direction, the writ petition stands disposed of."

Whereas, the Government of Haryana framed **Teachers Transfer Policy, 2016** dated 29.06.2016 and the same was amended on 01.06.2017. Thereupon, transfers were made under this amended policy of 2017 to ensure equitable, demand based distribution of

teachers/Heads to protect academic interests of students and optimize job satisfaction amongst its employees in a fair and transparent manner. Under this policy all government schools have been categorized into seven zones for the purpose of transfer of teachers and the teacher is eligible to opt any number of schools across the zones available to him, across the district in the State. He is free to give preferences in order of his suitability. That for the purpose of Transfer Drive, the teachers who have already completed a period of 1 year of service in a particular zone may seek transfer to some other station voluntarily while on the other hand following categories of teachers have been asked to participate in transfer drive compulsorily:

- a. A post of any cadre held by a teacher previously or presently in the school education department in a regular capacity for a period of 5 years or more on the qualifying date in present zone of posting, shall be taken as a deemed vacancy and such teacher shall compulsorily participate in the transfer drive.
- b. Teachers declared surplus from a station as a part of rationalization/Normalization shall also compulsorily in the transfer drive.
- c. Teachers who have been given temporary manual posting previously due to non-availability of online transfer drive or technical problem or compulsion of.

Whereas, in compliance of the above directions of the Hon'ble High Court dated 18.10.2019 the petitioner was accorded an opportunity of personal hearing on 03.07.2020. The petitioner during the personal has submitted that he has no objection/grievance against the order

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dated 13.09.2019 vide which the petitioner has been transferred to Government Senior Secondary School, Seekri (1108), Faridabad.

Thus, in view of the submissions of the petitioner during personal hearing on 03.07.2020, no claim/grievance of the petitioner qua transfer orders dated either 22.08.2019 or 13.09.2020 remains to be decided by the department at this stage.

I order accordingly.

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(J. Ganesan)
Director Secondary Education,
Haryana, Panchkula

Regd.

To

Sh. Sanjay Kumar S/o Sh. Attar Singh,
R/o Village Talao (Jhajjar)

Endst. No. Even

Dated, Panchkula, the 17/7/2020

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

1. The District Education Officer, Karnal.
2. Principal, GSSS Bastli (Karnal).
- ✓ 3. IT Cell for information/updation.

/Anandh
Dy. Superintendent PGT-II
for Director, Secondary Education,
Haryana, Panchkula

OFFICE OF THE DIRECTOR SECONDARY EDUCATION, HARYANA,
PANCHKULA

ORDER No.13/214-2019 PGT-II (5)

DATED, PANCHKULA, THE 14/7/2020

Whereas, Anil (Employee ID No.: 5018993) PGT Mathematics has filed CWP No. 30312 of 2019 before the Hon'ble High Court in the nature of certiorari for quashing the impugned order dated 22.08.2019 (Annexure P-3 to Annexure P-17) and further directing the respondents to unblock the post which has been kept blocked and also further include the Guest Teachers in the Transfer Drive.

Whereas the above mentioned writ petition was disposed of on 18.10.2019 and the operative part of the order is reproduced as under:

"Prayer in the present writ petition is for quashing of impugned transfer orders dated 22.08.2019 (Annexure P-3 to P-17).

The impugned orders are dated 22.08.2019, thus, it would not be appropriate for this Court to break cycle of transfers. In case, petitioners are aggrieved, shall be at liberty to make representation or upload objections, if any, on MIS portal. In case such objections are taken or already submitted, respondents are directed to dispose of the same after affording opportunity of hearing to petitioners within a period of one month from the date of receipt of certified copy of this Court by passing a reasonable speaking order in accordance with transfer policy.

With aforesaid direction, the writ petition stands disposed of."

Whereas, the Government of Haryana framed **Teachers Transfer Policy, 2016** dated 29.06.2016 and the same was amended on 01.06.2017. Thereupon, transfers were made under this amended policy of 2017 to ensure equitable, demand based distribution of teachers/Heads to protect academic interests of students and optimize

job satisfaction amongst its employees in a fair and transparent manner. Under this policy all government schools have been categorized into seven zones for the purpose of transfer of teachers and the teacher is eligible to opt any number of schools across the zones available to him, across the district in the State. He is free to give preferences in order of his suitability. That for the purpose of Transfer Drive, the teachers who have already completed a period of 1 year of service in a particular zone may seek transfer to some other station voluntarily while on the other hand following categories of teachers have been asked to participate in transfer drive compulsorily:

- a. A post of any cadre held by a teacher previously or presently in the school education department in a regular capacity for a period of 5 years or more on the qualifying date in present zone of posting, shall be taken as a deemed vacancy and such teacher shall compulsorily participate in the transfer drive.
- b. Teachers declared surplus from a station as a part of rationalization/Normalization shall also compulsorily in the transfer drive.
- c. Teachers who have been given temporary manual posting previously due to non-availability of online transfer drive or technical problem or compulsion of.

Whereas, in compliance of the above directions of the Hon'ble High Court dated 18.10.2019 the petitioner was accorded an opportunity of personal hearing on 03.07.2020. During the hearing the petitioner has submitted that he belongs to Rest of Haryana (RoH) cadre and was posted in district Jhajjar, but in General Transfer Drive (GTD) he has been posted in Mewat under 'anywhere category' and then in Grievance

Redressal Drive (GRD) he has been posted at GSSS Nalvi, Kurukshetra which is 210 km from his home, due to which he is facing many problems. The case of the petitioner is examined and it was found that being a newly selected employee it was compulsory for him to participate in the Transfer Drive. Accordingly, he exercised his option for filling preferences. As per MIS record he had 33.0082 points but all the choices preferred by the petitioner were allocated to teachers with higher merit points than the petitioner. As there is scarcity of teachers in Mewat District, so RoH cadre employees, without changing their cadre, are being allowed to be posted in Mewat District. Therefore, system had posted him to Mewat District under 'anywhere category', as vacancy in any other nearby district to Jhajjar was not available. Department had again offered him change in Grievance Redressal Drive, in which he got station out of his preferences.

In view of the position explained above, it is clear that the petitioner has been rightly transferred as per the provision of the Teachers Transfer Policy, 2016 (as amended on 01.06.2017) and there is no substance in the representation of the petitioner and the same is liable to be rejected being devoid of any merits.

I order accordingly.

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(J. Ganesan)
Director Secondary Education,
Haryana, Panchkula

Regd.

To


Sh. Anil S/o Sh. Jagan Singh,
R/o Village Bhaproda (Jhajjar)

Endst. No. Even

Dated, Panchkula, the 17/7/2020

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

1. The District Education Officer, Jhajjar.
2. Principal, GSSS Bhindawas (Jhajjar)
- ✓ 3. IT Cell for information/updation.


**Dy. Superintendent PGT-II
for Director, Secondary Education,
Haryana, Panchkula**