

REGISTERED

From

Additional Chief Secretary to Govt. Haryana
Higher Education Department, Chandigarh.

To

Sr. Assistant/Associate Professors
No. Sarv. Sh./Smt./Ms.

1. Nirmal Boora, G.C. Sec-1, Panchkula.
2. Vimla Kumari, G.C. Sec-1, Panchkula.
3. Parmod Kumar, G.C. Sec-1, Panchkula
4. Shailja Chhabra, G.C. Sec-1, Panchkula
5. Jai Narayan, G.C. Sec-1, Panchkula
6. Sunita, G. C. Naraingarh.
7. Satya Narayan, GCW Sec-14, Panchkula
8. Renu, GCW Rohtak.
9. Anita Singh, G.C Saha.

Memo No. 15/30-2014 C-I (5)
Dated, Panchkula the 18/12/14

Subject :- CWP No. 11129 of 2014- Nirmal Boora & others Vs. State of Haryana and others.

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Kindly refer to the subject cited above.

In compliance of judgment/order dated 29.05.2014 passed by the Hon'ble Punjab and Haryana High Court in CWP No. 11129 of 2014 Nirmal Boora & others Vs. State of Haryana and others speaking orders passed vide order No. 15/30-2014 C-I (5) dated 12.12.2014 has already been sent to your Advocate Sh. Suresh Ahlawat. The copy of the same is sent herewith for your information.

DA = As above.

D. P. Singh

Superintendent College-I
for Additional Chief Secretary to Govt. Haryana
Higher Education Department, Panchkula

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Haryana Government.
Higher Education Department
Order

No. 15/30-2014 C-I(5)

Dated, Panchkula the 12/12/14

Whereas Nirmal Boora & Others working as Assistant/Associate Professor in Govt. Colleges of Haryana had filed a Civil Writ Petition No. 11129 of 2014 in the Hon'ble Punjab & Haryana High Court whereby the Hon'ble High Court disposed of the said writ petition vide its order/judgment dated 29.05.2014 with the following observations:-

"...In the light of the submissions made by the counsel for the petitioners and without going into the merit of the case or commenting thereon, the present writ petition is disposed of with directions to the Financial Commissioner and Principal Secretary to Govt. of Haryana respondent No. 1 to consider and decide the legal notice dated 20.01.2014 (Annexure P-2) served by the petitioners within a period of 3 months from the date of receipt of certified copy of this order.

In case the claim of the petitioners is accepted, the consequential benefits, if any, be released to them, in accordance with law, within a further period of one month. In case the claim of the petitioners is not to be accepted, then a well reasoned and speaking order be passed and conveyed to the petitioners forthwith. "

2. Whereas in view of the above judgment, legal notice dated 20.01.2014 (Annexure P/2) the petitioners is to be decided. The main submissions of the petitioners in the legal notice are as under:-

1. That the Government of Haryana Finance Department has issued a letter no. 6/84/2010-4-PR(FD) dated 16-04-2012 regarding date of next increment under the revision pay structure but the same was not implemented till date, and in this regard, my clients made written as well as oral requests to the department, but they are not paying any head.
2. The Assistant/Associate Professors whose date of increment before 01.01.2006 was due in the month August 2005, September 2005, October 2005, November 2005, December 2005 get next increment after fixation on 01-01-2006, on 01-07-2006 i.e. after 11 months, 10 months, 9 months, 8 months and 7 months respectively, But the Assistant/Associate Professors whose date of increment was after 01.01.2005 according to the old scale i.e. 01.01.2005, February 2005, March 2005, April 2005, May 2005, June 2005 were fixed accordingly and not stepped up. The increment was given in the month of July 2006 i.e. after 18 months, 17 months, 16 months, 15 months, 14 months and 13 months accordingly. However, the annual increment means increment just after one year

and the same cannot be extended beyond one year and the same has been rectified by the Government of Haryana in the above said matter.

3. The letter dated 16.04.2012 issued by the Government of Haryana has been implemented in the Kurukshetra University Kurukshetra, Haryana Agriculture University, Hisar and other Department also, for the staff of teaching and non-teaching, but the case of my clients, the same was not implement till date, which is not sustainable in the eyes of law and is totally discriminatory.
4. That it is specially mentioned in the order /letter dated 16.4.2012 issued by the Government of Haryana, Finance Department "Whereas section of those government employees who were due to get their annual increment between February to June during 2006 have represented to set right the distortions /anomaly induced due to above said provisions of Rule 10 of Haryana Civil Service (Revised Pay) Rules, 2008 and under Rule 20 of Haryana Civil Services Rules 2008."
5. That it is further clarified that the Government is pleased to decide that in relaxation of stipulation under Rule 10 of Haryana Civil Service (Revised Pay, Rules, 2008 and under Rule 20 of Haryana Civil Services (Assured Career Progression) Rules, 2008, those State Government employees who were due to get their annual increment between February to June 2006 may be granted one increment on 01.01.2006 in the pre revised pay scale as a one time measure and thereafter will get the next increment in the revised pay structure on 01.07.2006. The pay of the eligible employee may be re-fixed accordingly. Thus my clients have made all efforts to get implement the letter/instructions no. 6/84-2010-4PR(FD), dated 16-04-2012 Chandigarh but all in vain.

From the perusal of the facts mentioned above, it is mentioned here that petitioners are demanding increment falling between February to June 2006 as per their due date not given, according to the instruction dated 16.04.2012 (Annexure P/1) issued by Finance Department, Haryana, meaning that petitioners are claiming the benefit of additional increment in view of instructions dated 16.04.2012. In this regard, the opinion/concurrence of Finance Department has been sought and the Finance Department, Haryana has observed as under:-

"As per UGC recommendations dated 20.11.2013 there is no provision for grant of one increment w.e.f. 01.01.2006 to those, whose increments was due between February to June, 2006 and F.D. letter dated 16.04.2012 issued by State Govt. is not applicable to the petitioners.

3. Whereas it is admitted fact that the Assistant/Associate Professors working in Govt. Colleges are governed by Civil Services Rules as applicable in Haryana but vide notification

No. KW 7/18-2009C-IV(3) dated 21-07-2011 the State Govt. has adopted the recommendations of the UGC and MHRD with regard to pay scales and in other matters for the maintenance of the standard of Higher Education. Accordingly, the Assistant/Associate Professors working in Govt. Colleges are getting UGC pay scale w.e.f. 01-01-2006.'

In view of position explained above and letter dated 20.11.2013 (copy of the letter is attached herewith) issued by UGC it is evident that the claim of the petitioners is not covered under UGC guidelines. Hence, the legal notice dated 20.01.2014 (Annexure P/2) is filed, being devoid of merit and accordingly the demand of the petitioners to grant additional increment is rejected.

I order accordingly.



(Vijai Vardhan, IAS)
Additional Chief Secretary to Govt. Haryana
Higher Education Department, Chandigarh

Registered/A.D

To

Sh. Suresh Ahlawat, Advocate,
Punjab & Haryana High Court, Chandigarh
Office cum-residence, Kothi No. 706, Sector-11,
Panchkula.