

ਡਾਇਰੈਕਟੋਰੇਟ ਆਫ ਸਕੂਲ ਐਜੂਕੇਸ਼ਨ (ਮੈਕੈਂਡਰੀ) ਪੰਜਾਬ  
ਪੀ.ਐਸ.ਈ.ਬੀ.ਕੰਪਲੈਕਸ, ਫੇਜ਼-8, ਚੌਖੀ ਮੰਜਿਲ, ਐਸ.ਏ.ਐਸ. ਨਗਰ  
(ਅਮਲਾ-2 ਸ਼ਾਖਾ)

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ਹੁਕਮ ਨੰ: 757059 DPIS-EST20CC/58/2021-ESTABLISHMENT-2-DPIS (3)  
ਮਿਤੀ, ਐਸ.ਏ.ਐਸ. ਨਗਰ: 26-02-2025

1. ਸਿਵਲ ਰਿਟ ਪਟੀਸ਼ਨ ਨੰਬਰ 5417 ਆਫ 2020 ਦੀ ਪ ਰਾਜਾ ਅਤੇ ਹੋਰ ਬਨਾਮ ਪੰਜਾਬ ਸਰਕਾਰ, ਸਿ.ਰਿ.ਪ ਨੰਬਰ 9204 ਆਫ 2024 ਕਿਰਤੀ ਵਿਜਨ ਅਤੇ ਹੋਰ ਬਨਾਮ ਪੰਜਾਬ ਸਰਕਾਰ, ਸਿ.ਰਿ.ਪ ਨੰਬਰ 9613 ਆਫ 2024 ਅਸਵਨੀ ਕੁਮਾਰ ਅਤੇ ਹੋਰ ਬਨਾਮ ਪੰਜਾਬ ਸਰਕਾਰ ਅਤੇ ਸਿ. ਰਿ.ਪ. ਨੰਬਰ 9915 ਆਫ 2024 ਸੰਦੀਪ ਸਿੰਘ ਅਤੇ ਹੋਰ ਬਨਾਮ ਪੰਜਾਬ ਸਰਕਾਰ ਕੇਸਾਂ ਵਿੱਚ ਪਟੀਸ਼ਨਰਜ਼ ਵੱਲੋਂ ਪਰਖ ਕਾਲ ਸਮੇਂ ਦੌਰਾਨ ਪੂਰੀ ਤਨਖਾਹ ਦੀ ਮੰਗ ਕੀਤੀ ਗਈ ਸੀ। ਮਾਨਯੋਗ ਕੋਰਟ ਵੱਲੋਂ ਇਹਨਾਂ ਪਟੀਸ਼ਨਰਜ਼/ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਪਰਖਕਾਲ ਸਮੇਂ ਦੌਰਾਨ ਪੂਰੀ ਤਨਖਾਹ ਦੇਣ ਸਬੰਧੀ ਫੈਸਲਾ ਮਿਤੀ 01.05.2024 ਅਤੇ 14.05.2024 ਨੂੰ ਪਟੀਸ਼ਨਰਜ਼ ਦੇ ਹੱਕ ਵਿੱਚ ਕਰ ਦਿੱਤਾ ਗਿਆ ਸੀ। ਮਾਨਯੋਗ ਕੋਰਟ ਦੇ ਫੈਸਲੇ ਦਾ ਆਪਰੇਟਿਵ ਪਾਰਟ ਹੇਠ ਅਨੁਸਾਰ ਹੈ:-

".....4. Insofar as the pre-condition is concerned, the issue stands squarely covered in favour of the petitioner in *Jeewan Jyoti and others vs. State of Punjab and others*, CWP-21750-2012, decided on 04.10.2013, wherein the action of the State, on not providing regular pay scale of regularised Computer Faculty from the date of regularisation, as it would be admissible to the employees upon joining the faculty and not earlier, was frowned upon by this Court, while allowing the writ petition, relevant paras whereof read thus:

"On due consideration I find that there is no justification for making the regular pay scale admissible to the petitioners from a date later than the date with effect from which their services have been regularised. The explanation given by respondent No.2 would have been relevant at the time of considering the case of the petitioners for regularisation, but having regularised their services they cannot fall back on any other pre-condition imposed upon the petitioners at the time of offering them employment and more particularly so when said pre-condition was also waived off as per the own showing of the respondents. Clearly, the stand of the respondents No.2 is absolutely incoherent and unsustainable and has forced the petitioners to come to this Court unnecessarily which has also resulted in wastage of time of the Court.

Consequently, the writ petition is allowed with costs of Rs.25,000/-, the impugned order is set aside and the petitioners are held entitled to the regular pay scale with effect from 1.7.2011 which is the date on which such regularisation has been conferred upon them. The costs shall be recovered from the personal pay of the officer who has passed the impugned order. The arrears shall be paid to the petitioners within a period of two months from the date of receipt of a certified copy of this order."

5. The Division Bench in appeal preferred by the State, while dismissing it on 16.01.2014, against which the SLP filed met the same fate on 08.09.2015, observed thus:

"It was rightly said that the respondents were entitled to get salary from the date when their services were regularized. After regularizing their services, no condition can be put to restrict their salary from a later date. It is not in dispute that all the respondents were in service when their services were regularized."

6. Learned State counsel, despite his best efforts, was unable to controvert the factual position and draw out any distinctive aspects in the aforementioned judgments or cite any contrary law.
7. In view of the above, the present writ petitions are disposed of in terms of Jeewan Jyoti (supra) albeit without costs."

2. ਵਿਭਾਗ ਵੱਲੋਂ ਵੱਖ-ਵੱਖ ਵਿਸ਼ਿਆਂ ਦੇ ਪੈਡੂ ਸਹਿਯੋਗੀ ਅਧਿਆਪਕਾਂ ਦੀ ਭਰਤੀ ਯਕਮੁਸਤ 6000/- ਰੁਪਏ ਪ੍ਰਤੀ ਮਹੀਨਾ ਤਨਖਾਹ ਅਤੇ 500/- ਰੁਪਏ ਸਾਲਾਨਾ ਵਾਧੇ ਤੋਂ 3 ਸਾਲ ਦੇ ਠੇਕੇ ਤੇ ਕਨਨ ਲਈ ਮਿਤੀ 09-09-2012 ਨੂੰ ਇਸਤਿਫਾਰਾ ਪ੍ਰਕਾਸ਼ਿਤ ਕੀਤਾ ਗਿਆ ਸੀ। ਇਹਨਾਂ ਪੇਸਟਾਂ ਲਈ ਸਲੈਕਟ ਹੋਏ ਉਮੀਦਵਾਰਾਂ ਨੂੰ ਦਸੰਬਰ 2014 ਤੋਂ ਨਿਯੁਕਤੀ ਪੱਤਰ ਦੇ ਦਿੱਤੇ ਗਏ ਸਨ।
3. ਮੰਤਰੀ ਪ੍ਰੈਸ਼ਰ ਵੱਲੋਂ ਲਏ ਗਏ ਫੈਸਲੇ ਮਿਤੀ 06.03.2019 ਅਤੇ ਸਰਕਾਰ ਵੱਲੋਂ ਜਾਰੀ ਨੋਟੀਫਿਕੇਸ਼ਨ ਮਿਤੀ 07.03.2019 ਅਨੁਸਾਰ ਇਹਨਾਂ ਪੇਸਟਾਂ ਲਈ ਨਿਯੁਕਤ ਕੀਤੇ ਗਏ ਅਧਿਆਪਕਾਂ ਦਾ ਪਰਚਕਾਲ ਸਮਾਂ ਠੇਕੇ ਦੀ ਮਿਆਦ ਖਤਮ ਹੋਣ ਦੀ ਮਿਤੀ ਤੋਂ ਦੋ ਸਾਲ ਦਾ ਮੰਨਦੇ ਹੋਏ ਇਨ੍ਹਾਂ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਰੈਗੂਲਰ ਕਰ ਦਿੱਤਾ ਗਿਆ ਸੀ। ਇਨ੍ਹਾਂ ਅਧਿਆਪਕਾਂ ਨੂੰ ਪਰਚ ਕਾਲ ਸਮੇਂ ਦੌਰਾਨ ਬੈਸਿਕ ਪੇਅ ਅਤੇ ਗ੍ਰੇਡ ਪੇਅ ਮਿਲਣਯੋਗ ਸੀ।
4. ਵੱਖ-ਵੱਖ ਵਿਸ਼ਿਆਂ ਦੀ ਮਾਸਟਰ ਕਾਡਰ ਦੀ 3442 ਪੇਸਟਾਂ ਅਧੀਨ ਕੰਮ ਕਰ ਰਹੇ ਅਜਿਹੇ ਕਰਮਚਾਰੀਆਂ ਦੀਆਂ ਸੇਵਾਵਾਂ ਉਹਨਾਂ ਵੱਲੋਂ ਠੇਕੇ ਤੇ ਕੀਤੀ ਗਈ 3 ਸਾਲ ਦੀ ਸੇਵਾ ਮੁਕੰਮਲ ਕਰਨ ਉਪਰੰਤ ਮਿਤੀ 15.01.2016 ਤੋਂ ਰੈਗੂਲਰ ਕੀਤੇ ਜਾਣ ਤੇ ਉਹਨਾਂ ਨੂੰ ਪੂਰੀ ਤਨਖਾਹ ਦੇ ਦਿੱਤੀ ਗਈ ਸੀ।
5. ਉਪਰੋਕਤ ਸਥਿਤੀ ਅਤੇ ਸਰਕਾਰ ਦੀ ਹਦਾਇਤਾਂ ਪੱਤਰ ਨੰ: 7/204/2012-4 ਐਫ.ਪੀ।/935 ਮਿਤੀ 15.10.2015 ਦੇ ਸਨਮੁੱਖ ਇਨ੍ਹਾਂ ਕਰਮਚਾਰੀਆਂ / ਅਧਿਆਪਕਾਂ ਤੋਂ ਮਿਤੀ 15-01-2015 ਦੀ ਹਦਾਇਤਾਂ ਲਾਗੂ ਹੋਣ ਜਾਂ ਨਾ ਹੋਣ ਸਬੰਧੀ ਵਿੱਤ ਵਿਭਾਗ ਤੋਂ ਅਗਵਾਈ ਮੰਗੀ ਗਈ ਸੀ ਜੋ ਕਿ ਵਿੱਤ ਵਿਭਾਗ ਵੱਲੋਂ ਮਿਤੀ 10-02-2025 ਨੂੰ ਹੇਠ ਅਨੁਸਾਰ ਸਲਾਹ ਦਿੱਤੀ ਗਈ ਹੈ:-

"ਇਸ ਕੇਸ ਦੇ ਪਟੀਸ਼ਨਰਾਂ ਤੇ ਵਿੱਤ ਵਿਭਾਗ ਦੀਆਂ ਹਦਾਇਤਾਂ ਮਿਤੀ 15-01-2015 ਦੇ ਲਾਗੂ ਹੋਣ ਜਾਂ ਨਾ ਹੋਣ ਸਬੰਧੀ ਫੈਸਲਾ ਪ੍ਰਬੰਧਕੀ ਵਿਭਾਗ ਦੇ ਪੱਧਰ ਤੇ ਉਨ੍ਹਾਂ ਵੱਲੋਂ CMM ਦੀ ਪ੍ਰਵਾਨਗੀ ਪ੍ਰਾਪਤ ਕਰਨ ਉਪਰੰਤ ਜਾਰੀ ਨੋਟੀਫਿਕੇਸ਼ਨ ਮਿਤੀ 07-03-2019 ਨੂੰ ਧਿਆਨ ਵਿੱਚ ਰੱਖਦੇ ਹੋਏ ਹੀ ਲਿਆ ਜਾ ਸਕਦਾ ਹੈ। ਜਿੱਥੋਂ ਤੱਕ ਵਿੱਤ ਵਿਭਾਗ ਵੱਲੋਂ ਜਾਰੀ ਹਦਾਇਤਾਂ ਮਿਤੀ 15-01-2015 ਦਾ ਸਬੰਧ ਹੈ ਉਹ ਰਾਜ ਦੇ ਸਾਰੇ ਕਰਮਚਾਰੀਆਂ ਤੋਂ ਲਾਗੂ ਹਨ ਅਤੇ ਇਸ ਸਬੰਧ ਵਿੱਚ ਪੰਜਾਬ ਸੀ.ਐਸ.ਆਰ vol-1 ਵਿੱਚ ਉਪਬੰਧ ਕੀਤਾ ਹੋਇਆ ਹੈ।

6. ਉਪਰੋਕਤ ਸਥਿਤੀ, ਵਿੱਤ ਵਿਭਾਗ ਤੋਂ ਪ੍ਰਾਪਤ ਸਲਾਹ ਦੇ ਸਨਮੁੱਖ ਅਤੇ ਮਾਨਯੋਗ ਕੋਰਟ ਦੇ ਫੈਸਲੇ ਦੀ ਪਾਲਣਾ ਹਿੱਤ ਵਿਭਾਗ ਵੱਲੋਂ ਫੈਸਲਾ ਲਿਆ ਜਾਂਦਾ ਹੈ ਕਿ 5178 ਪੇਸਟਾਂ ਅਧੀਨ ਕੰਮ ਕਰ ਰਹੇ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਉਹਨਾਂ ਦੀ 3 ਸਾਲ ਦੀ ਠੇਕੇ ਆਧਾਰਿਤ ਕੀਤੀ ਗਈ ਸੇਵਾ ਮੁਕੰਮਲ ਕਰਨ ਉਪਰੰਤ ਰੈਗੂਲਰ ਹੋਣ ਦੀ ਮਿਤੀ ਭਾਵ 2 ਸਾਲ ਦਾ ਪਰਚ ਕਾਲ ਸਮਾਂ ਸ਼ੁਰੂ ਹੋਣ ਦੀ ਮਿਤੀ ਤੋਂ ਪੂਰੀ ਤਨਖਾਹ ਦਿੱਤੀ ਜਾਵੇ।

ਇਹ ਹੁਕਮ ਸਮਰੱਥ ਅਧਿਕਾਰੀ ਦੀ ਪ੍ਰਵਾਨਗੀ ਨਾਲ ਜਾਰੀ ਕੀਤੇ ਜਾਂਦੇ ਹਨ।

ਪਰਮਜੀਤ ਸਿੰਘ  
ਡਾਇਰੈਕਟਰ ਸਕੂਲ ਸਿੱਖਿਆ (ਸੈਕੰਡਰੀ) ਪੰਜਾਬ।

ਪਿੱਠ ਅੰਕਣ ਨੰ: ਉਕਤ/202554552

ਮਿਤੀ, ਐਸ.ਏ.ਐਸ ਨਗਰ: 27-02-2025

ਉਤਾਰਾ ਹੇਠ ਲਿਖਿਆਂ ਨੂੰ ਸੂਚਨਾ ਅਤੇ ਯੋਗ ਕਾਰਵਾਈ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ:-

1. ਪੀ.ਏ./ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰ ਸਕੂਲ ਸਿੱਖਿਆ, ਪੰਜਾਬ।
2. ਰਾਜ ਦੇ ਸਮੂਹ ਜਿਲ੍ਹਾ ਸਿੱਖਿਆ ਅਫਸਰ (ਸੈ.ਸਿ) ਪੰਜਾਬ ਨੂੰ ਭੇਜਦੇ ਹੋਏ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਸਬੰਧਤ ਸਕੂਲ ਮੁੱਖੀਆਂ ਨੂੰ ਇਨ੍ਹਾਂ ਹੁਕਮਾਂ ਅਨੁਸਾਰ ਯੋਗ ਕਾਰਵਾਈ ਕਰਨ ਦੀ ਹਦਾਇਤ ਕੀਤੀ ਜਾਵੇ।

*Mohit*  
*28/02/2025*  
ਸਹਾਇਕ ਡਾਇਰੈਕਟਰ (ਅਮਲ-2 ਸ਼ਾਖਾ)

**ਦਫਤਰ ਜਿਲਾ ਸਿੱਖਿਆ ਅਫਸਰ(ਸੈ ਸਿ) ਬਠਿੰਡਾ**  
**Room No.455, Mini Secretariate, 3rd floor,**

ਪਿਠਅੰਕਣ ਨੰ: ਅ-1/1 ( ) 2025/1144

ਮਿਤੀ: 28.02.2025

ਉਪਰੋਕਤ ਦਾ ਉਤਾਰਾ ਹੇਠ ਲਿਖਿਆਂ ਨੂੰ ਸੂਚਨਾ ਅਤੇ ਅਗਲੇਰੀ ਕਾਰਵਾਈ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ।

1. ਮਾਨਯੋਗ ਡਾਇਰੈਕਟਰ ਆਫ ਸਕੂਲ ਐਜੂਕੇਸ਼ਨ (ਸੈ:ਸਿ:), ਪੰਜਾਬ।
2. ਸਕੂਲ ਮੁਖੀ, ਸਸਸਸ/ਸਹਸ/ਸਮਿਸ, ਜਿਲ੍ਹਾ ਬਠਿੰਡਾ ਨੂੰ ਭੇਜ ਕੇ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਵਿਭਾਗ ਵੱਲੋਂ ਜਾਰੀ ਸਪੀਕਿੰਗ ਆਰਡਰਾਂ ਦੀ ਇੰਨ ਬਿੰਨ ਪਾਲਣਾ ਕੀਤੀ ਜਾਵੇ ਅਤੇ ਰਿਪੋਰਟ ਇਸ ਦਫਤਰ ਨੂੰ ਭੇਜਣੀ ਯਕੀਨੀ ਬਣਾਈ ਜਾਵੇ।
3. ਸਬੰਧਤ ਖਜਾਨਾ ਅਫਸਰ।
4. ਸਬੰਧਤ ਕਰਮਚਾਰੀ (ਸਕੂਲ ਰਾਹੀਂ)

*[Signature]*  
ਜਿਲ੍ਹਾ ਸਿੱਖਿਆ ਅਫਸਰ (ਸੈ:ਸਿ:),  
ਬਠਿੰਡਾ।  
*[Signature]*



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

241+285

CWP-5417-2020 (O&M)  
Date of decision: 01.05.2024

Deep Raja and others

....Petitioners

Versus

State of Punjab and another

...Respondents

Ashwani Kumar and others

CWP-9613-2024 (O&M)

....Petitioners

Versus

State of Punjab and another

...Respondents

Kirti Vijan and others

CWP-9204-2024 (O&M)

....Petitioners

Versus

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. Kapil Kakkar, Advocate for the petitioners.

Mr. Arun Gupta, DAG, Punjab.

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**AMAN CHAUDHARY, J (Oral)**

1. These cases involve similar issues and therefore, are being disposed of together by this common judgment.

2. The prayer made in the present petitions is for directing the respondents to grant the full pay in the regular pay scale of Rs.10300-34800+5000 Grade Pay w.e.f. the date of regularization of their services, in which regard the submission made is on behalf of the petitioners that they were appointed vide order dated 01.12.2014, on contractual basis to the post of Masters and Mistresses in various subjects, pursuant to advertisement dated 09.09.2012 and were to be granted consolidated salary for 3 years, whereafter they vide order dated



09.12.2019, were shown to have completed the probation a day prior to the said date and the date of joining on regular basis was given to be 09.12.2017 but were held to be entitled to the pay scale with immediate effect i.e. the date of the order. Such condition is held to be oppressive by this Court in **Baljinder Kumar and others vs. State of Punjab and another**, CWP-12583-2020, decided on 07.02.2024, by observing thus:

“9. Indubitably, the petitioners, who were appointed through a regular process of selection as per statutory rules against sanctioned posts as Master/Mistresses, *albeit* on contractual basis and on a consolidated salary of Rs.6000/- per month, in pursuance to the terms and conditions of the advertisement dated 09.09.2012, which they had accepted and discharged their duties akin to those appointed on regular basis. Terming their appointment as contractual, was infact a misnomer. The incorporation of an exploitory condition in the appointment letter of the petitioners and the act of constraining them to knock the doors of the Court, even when the issue has been settled by Hon'ble the Supreme Court in Jagjit Singh (supra), is deprecated. As a sequitur, they are held entitled to the minimum of the pay scale.”

3. In **Polu Ram vs. State of Haryana**, 1998 SCC OnLine P&H 1778, the Division Bench held that, “In our opinion, the objection of the learned Advocate General to the maintainability of the writ petitions on the ground that the petitioners have accepted the terms of engagement without any protest is clearly misconceived. The petitioners do not have any say in the matters relating to enactment of the rules, creation of the posts or mode of selection. All these matters lie in the exclusive domain of the government/employer. They are not in a position to make a bargain with the government regarding the conditions of employment. They are not in a position to dictate the terms to the government. If they make an attempt to enter into a bargain with the government about the terms and conditions of employment/engagement and insist on incorporation of those conditions which are more favourable to them, the appointing authority can refuse to appoint/engage them. Therefore, acceptance of the conditions incorporated in the orders of



appointment/letters or engagement cannot be made a ground to deny hearing to the petitioners in support of their plea that the respondents have acted arbitrarily in appointing them with wholly unreasonable and oppressive conditions of employment.” The terms of appointment letter cannot be made a ground to deny the just claim, being arbitrary and oppressive, thus cannot operate as an estoppel, as held in **Rajni Bala vs. State of Haryana**, 1995 SCC OnLine P&H 787.

4. Insofar as the pre-condition is concerned, the issue stands squarely covered in favour of the petitioner in **Jeewan Jyoti and others vs. State of Punjab and others**, CWP-21750-2012, decided on 04.10.2013, wherein the action of the State, on not providing regular pay scale of regularised Computer Faculty from the date of regularisation, as it would be admissible to the employees upon joining the faculty and not earlier, was frowned upon by this Court, while allowing the writ petition, relevant paras whereof read thus:

“On due consideration I find that there is no justification for making the regular pay scale admissible to the petitioners from a date later than the date with effect from which their services have been regularised. The explanation given by respondent No.2 would have been relevant at the time of considering the case of the petitioners for regularisation, but having regularised their services they cannot fall back on any other pre-condition imposed upon the petitioners at the time of offering them employment and more particularly so when said pre-condition was also waived off as per the own showing of the respondents. Clearly, the stand of the respondents No.2 is absolutely incoherent and unsustainable and has forced the petitioners to come to this Court unnecessarily which has also resulted in wastage of time of the Court.

Consequently, the writ petition is allowed with costs of Rs.25,000/-, the impugned order is set aside and the petitioners are held entitled to the regular pay scale with effect from 1.7.2011 which is the date on which such regularisation has been conferred upon them. The costs shall be recovered from the personal pay of the officer who has passed the impugned order. The arrears shall be paid to the petitioners within a period of two months from the date of receipt of a certified copy of this order.”

5. The Division Bench in appeal preferred by the State, while dismissing it on 16.01.2014, against which the SLP filed met the same fate on



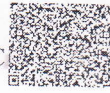
appointment/letters or engagement cannot be made a ground to deny hearing to the petitioners in support of their plea that the respondents have acted arbitrarily in appointing them with wholly unreasonable and oppressive conditions of employment.” The terms of appointment letter cannot be made a ground to deny the just claim, being arbitrary and oppressive, thus cannot operate as an estoppel, as held in **Rajni Bala vs. State of Haryana**, 1995 SCC OnLine P&H 787.

4. Insofar as the pre-condition is concerned, the issue stands squarely covered in favour of the petitioner in **Jeewan Jyoti and others vs. State of Punjab and others**, CWP-21750-2012, decided on 04.10.2013, wherein the action of the State, on not providing regular pay scale of regularised Computer Faculty from the date of regularisation, as it would be admissible to the employees upon joining the faculty and not earlier, was frowned upon by this Court, while allowing the writ petition, relevant paras whereof read thus:

“On due consideration I find that there is no justification for making the regular pay scale admissible to the petitioners from a date later than the date with effect from which their services have been regularised. The explanation given by respondent No.2 would have been relevant at the time of considering the case of the petitioners for regularisation, but having regularised their services they cannot fall back on any other pre-condition imposed upon the petitioners at the time of offering them employment and more particularly so when said pre-condition was also waived off as per the own showing of the respondents. Clearly, the stand of the respondents No.2 is absolutely incoherent and unsustainable and has forced the petitioners to come to this Court unnecessarily which has also resulted in wastage of time of the Court.

Consequently, the writ petition is allowed with costs of Rs.25,000/-, the impugned order is set aside and the petitioners are held entitled to the regular pay scale with effect from 1.7.2011 which is the date on which such regularisation has been conferred upon them. The costs shall be recovered from the personal pay of the officer who has passed the impugned order. The arrears shall be paid to the petitioners within a period of two months from the date of receipt of a certified copy of this order.”

5. The Division Bench in appeal preferred by the State, while dismissing it on 16.01.2014, against which the SLP filed met the same fate on



08.09.2015, observed thus:

“It was rightly said that the respondents were entitled to get salary from the date when their services were regularized. After regularizing their services, no condition can be put to restrict their salary from a later date. It is not in dispute that all the respondents were in service when their services were regularized.”

6. Learned State counsel, despite his best efforts, was unable to controvert the factual position and draw out any distinctive aspects in the aforementioned judgments or cite any contrary law.

7. In view of the above, the present writ petitions are disposed of in terms of **Jeewan Jyoti** (supra) *albeit* without costs.

8. A photocopy of this order be placed on the files of connected cases.

(AMAN CHAUDHARY)  
JUDGE

01.05.2024  
Hemant

Whether speaking/reasoned : Yes / No  
Whether reportable : Yes / No