

**OFFICE OF THE DIRECTOR ELEMENTARY EDUCATION HARYANA  
PANCHKULA**

Order No. 3/157-2017 HRM-1(4)

Dated, Panchkula, the 24.07.2018

In continuation of this office order no. 3/157-2017 HRM-1(4) dated 30.04.2018 child care leave of Smt. Sangeeta Sharma, S.S. Mistress, GSSS Morni Hills Distt. Panchkula is hereby further extended on following conditions:-

Sr. No.	Name of Leave	From	Rule applicable
1	Child Care Leave	01.08.2018 to 31.07.2019	C.S. Instruction No. 11/102/2009-3FR dated 01.02.2016/05.07.2012/05.11.2012

1. That the official would have continued to officiate in class-III during her proceeding on leave with permission to Affix / Suffix holidays.
2. That she would draw the usual HRA and other allowances during the period of leave and she is likely to return to the post to which these allowances are attached.
3. That the officer/official would have continued to officiate in Class-III but she proceeds on leave during above period.

**VIRENDER LATHER  
ADDITIONAL DIRECTOR ADMINISTRATION  
O/O DIRECTOR ELEMENTARY EDUCATION  
HARYANA, PANCHKULA.**

Endst. No. Even:

Dated, Panchkula, the 27-07-18

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

Regd:

1. Accountant General (A&E) Haryana Chandigarh.
2. District Elementary Education officer, Panchkula.
3. Principal/Headmaster, GSSS Morni Hills Distt. Panchkula
4. Smt. Sangeeta Sharma, S.S. Mistress, GSSS Morni Hills Distt. Panchkula
5. I.T Cell.

*ASh/27/7/18*  
**SUPERINTENDENT HRM-1  
FOR DIRECTOR ELEMENTARY EDUCATION  
HARYANA, PANCHKULA**

**OFFICE OF THE DIRECTOR ELEMENTARY EDUCATION HARYANA  
PANCHKULA**

Order No. 3/109-2018 HRM-I (2)

Dated, Panchkula, the 30.07.2018

Smt. Luxmi Rani, DPE, GSSS Bajghera (Gurugram) is hereby granted the leave on following conditions:-

Sr. No.	Name of Leave	From	Rule applicable
	Child Care Leave	05.07.2018 to 01.10.2018	C.S. Instruction No. 11/102/2009-3FR dated 1.02.2016/05.07.2012/05.11.2012.

1. That the official would have continued to officiate in class-III during her proceeding on leave with permission to Affix/Suffix holidays.
2. That she would draw the usual HRA and other allowances during the period of leave and she is likely to return to the post to which these allowances are attached.
3. That the officer/official would have continued to officiate in Class-III but she proceeds on leave during above period.

**VIRENDER LATHER  
ADDITIONAL DIRECTOR ADMINISTRATION  
O/O DIRECTOR ELEMENTARY EDUCATION,  
HARYANA, PANCHKULA.**


Endst. No. Even:

Dated, Panchkula, the 30.07.2018

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

Regd:

1. Accountant General (A&E) Haryana Chandigarh.
2. District Elementary Education officer, Gurugram w.r.t. his Memo No. E-2/18/450 dated 13.07.2018. You are directed to make alternate arrangement.
3. Principal, GSSS Bajghera (Gurugram).
4. Smt. Luxmi Rani, DPE, GSSS Bajghera (Gurugram).
- ✓ 5. I.T Cell

  
**SUPERINTENDENT HRM-1  
FOR DIRECTOR ELEMENTARY EDUCATION  
HARYANA, PANCHKULA**

**From**

**Director Elementary Education,  
Haryana, Panchkula.**

**To**

**District Elementary Education Officer,  
Faridabad.**

**Memo No. 32/83-2018 HRM-I (2)**

**Dated, Panchkula, the**

**Subject: Medical Reimbursement Bill of Smt. Santosh W/o Lt. Sh. Mahesh Kumar, ESHM, GHS Garkhera (Faridabad).**

Kindly refer to your memo No. A-3/16/2285 dated 21.05.2018 on the subject cited above.

The Medical Reimbursement Case of **Smt. Santosh W/o Lt. Sh. Mahesh Kumar, ESHM, GHS Garkhera (Faridabad)** for the treatment of **Sh. Mahesh Kumar** from **08.01.2017 to 08.01.2017** at **Jaypee Hospital, Noida** is sent to you in original to do the needful as per the directorate letter No. 10/30-2011 Admn. (4) Dated: 25.10.2012 that confers the power to sanction the bills for medical reimbursement to the Head of Office up to Rs. 50,000, that has been further extended upto 3,00,000/- as per Health Department, Haryana letter No. 2/24/13-IHB-III dated 19.09.2016.

The Administrative Department has granted relaxation in the policy for the treatment taken in an unapproved hospital as per guidelines issued by Finance Department, Haryana and Health Department, Haryana time to time.

Now the sanction is to be issued on PGI, Chandigarh/AIIMS, Delhi rates for the amount **Rs. 11,712/-** worked out by section officer on Annexure-A (exclude Non-admissible amount, if any).

**Encl. Original M.R. Bill & Vouchers.**

*Sd/-*  
**Superintendent HRM-I  
for Director Elementary Education  
Haryana, Panchkula**

**Endst. No. Even:**

**Dated, Panchkula, the 30.07.2018**

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

1. **Principal/Headmaster, GHS Garkhera (Faridabad).**
2. **Smt. Santosh W/o Lt. Sh. Mahesh Kumar, ESHM, GHS Garkhera (Faridabad)**
3. **IT Cell.**

*Abhishek*  
**Superintendent HRM-I  
for Director Elementary Education  
Haryana, Panchkula**

**OFFICE OF THE DIRECTOR ELEMENTARY EDUCATION HARYANA  
PANCHKULA**

**Order No. 32/82-2018 HRM-I (3)**

**Dated: 18.07.2018**

Sanction is accorded to re-imbusement of the Medical Charges amounting **Rs. 944980/- (Rs. Nine lakh Forty Four Thousand Nine Hundred Eighty Only)** to Smt. Santosh W/o Lt. Sh. Mahesh Kumar, ESHM, GHS Garkhera (Faridabad) for the treatment of Lt. Sh. Mahesh Kumar at **Indraprastha Apollo Hospital, Delhi** as an indoor patient on the advice of Authorized Medical Attendant:-

<b>Sr. No.</b>	<b>Name of Claimant</b>	<b>Amount</b>	<b>Patient's relation with the Claimant</b>	<b>Period of Treatment</b>
<b>1.</b>	<b>Smt. Santosh W/o Lt. Sh. Mahesh Kumar, ESHM, GHS Garkhera (Faridabad)</b>	<b>Rs. 944980/-</b>	<b>wife</b>	<b>27.02.2017 to 28.03.2017</b>
<b>(Rs. Nine lakh Forty Four Thousand Nine Hundred Eighty Only)</b>				

1. The re-imbusement of Medical Charges has been sanctioned under the Punjab/ Haryana services (Medical Attendance) Rules, 1940.
2. It has been certified by the authorized Medical Attendant that the Medicines prescribed by them was absolutely essential for treatment and recovery of the patient and that no cheaper substitute was possible.
3. The charge is debitible to the Head "2202-General Education-01 Elementary Education-101(98) Middle Education classes 6-8 Non Plan Establishment.


**Dheera Khandelwal, IAS  
Additional Chief Secretary  
to Government of Haryana  
School Education Department,  
Chandigarh**

**Endst. No.**

**Dated the Panchkula 30.07.2018**

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

1. District Elementary Education Officer, **Faridabad** with ref. to his /her memo no. **A-3/16/2285 dated 21.05.2018**. The original medical bill and vouchers are attached herewith. Kindly ensure that no advance amount has been granted for this treatment.
2. The Accountant General (A&E) Haryana, Chandigarh.
3. Treasury Officer, **Faridabad**.
4. Principal/Headmaster, **GHS Garkhera (Faridabad)**.
5. **Smt. Santosh W/o Lt. Sh. Mahesh Kumar, ESHM, GHS Garkhera (Faridabad)**.
6. Superintendent Budget Branch (Local)
7. I.T. Cell.

  
**Superintendent HRM-I  
For Director Elementary Education  
Haryana, Panchkula**


**DIRECTORATE OF ELEMENTARY EDUCATION HARYANA, PANCHKULA**

**Memo No. 17/50-2018 HRM-I (2)**

**Dated, Panchkula the 30.07.2018**

A Copy of speaking order dated 20.07.2018 passed by Director Elementary Education Haryana Panchkula in compliance of decision dated 24.05.2018 of CWP No. 13323 of 2018 titled as Kamal Kumar Vs State of Haryana & others is forwarded to following for information and necessary action.

1. District Elementary Education Officer, Gurugram.
2. Sh.Sandeep Kumar Yadav, Advocate, Flat No. 101, GH-37, Sector-17, Panchkula.
3. Petitioner Concerned (list enclosed).
- ✓ 4. Joint Director, I.T Cell.

  
Superintendent HRM-1  
For Director Elementary Education,  
Haryana, Panchkula

**DIRECTORATE OF ELEMENTARY EDUCATION HARYANA, PANCHKULA**

Order No. 17/50-2018 HRM-1(2)

Dated, Panchkula, the 19.07.2018

Whereas, Hon'ble Punjab & Haryana High Court vide order dated 24-05-2018 in CWP No. 13323 of 2018 titled as Kamal Kumar Vs State of Haryana & others, directed the respondents to consider claim of petitioner in light of legal notice. The operative part of this order is re-produced herein as under:-

*"Mr. Gaurav Jindal, Addl. A.G. Haryana accepts notice on behalf of respondents No. 1 to 3. Let four copies of the complete paper book be supplied to him during the course of the day.*

*In view of the nature of order being passed, there is no necessity to issue notice to respondents No. 4 at this stage and there is also no necessity to ask for a written statement.*

*The petition is disposed of with a direction to respondent No. 2, to objectively consider the Legal Notice dated 01.02.2018 (Annexure P-5) and pass a speaking order thereupon, within a period of eight weeks from the date of receipt of certified copy of this order."*

In pursuance of this order dated 24-05-2018, the claim of petitioner for stepping-up of pay at par with junior as defined in legal notice dated 01-02-2018 has been examined in light of earlier judgment passed by Hon'ble Punjab and Haryana High Court in CWP 11254 of 2010 titled as Neelam Rani Vs State of Haryana, vide its order dated 15.05.2013 and read with order dated 29-07-2011 issued by Finance Department Haryana, wherein the respondents have been directed as under:-

1. *The petitioner's grievance in the writ petition is that she is being paid less than her junior in State School Services. The petitioner's claim is fully vindicated by what is tabulated in the written statement at para 4 in the preliminary objections. It is clear from the tabulation that there had been a anomaly in pay structure caused in the scales of pay drawn as per the 6 th pay Commission. The petitioner was drawing salary which was less than her juniors in the JBT teachers cadre. The tabulation shows from 1.7.2009 up to 3.6.2012 her salary was less than her juniors namely Vipin Bajaj, Anu Sardana and Jeena Devi. The written statement makes an admission that the additional pay which the juniors were receiving shall be treated as personal to them and that efforts will be taken for adjusting the additional amount subsequent to 2015.*
2. *It could be no consolation for petitioner to be informed that the Government has proposed to take same action for adjusting all the additional pay which were being given to the juniors some time in future. The petitioner is entitled to be stepped up in pay, an amount which the juniors were drawing so that her salary does not fall short of the salary which is earned by her juniors. The amount to be paid in excess over what is being received by the petitioner shall be calculated from 1.7.2009 to 30.6.2013. The exercise shall be undertaken within a period of 8 weeks from the date of receipt of copy of this order and amount shall be paid to the petitioner with interest of 6%.*

*M*

However, Hon'ble Punjab & Haryana High Court vide its order dated 20.12.2017 in CWP No. 14830 of 2017 titled as Ram Parsad & others Vs State of Haryana & others directed as under:-

***"Accordingly, the present writ petitions are disposed of, with a direction to the competent authorities, to take into consideration the above-said decision of the State Government dated 21.11.2017 and process the case of the petitioners on individual basis and pass orders, accordingly, within a period of 4 months from the receipt of a certified copy of this order. It will be open to respondent No.1 to nominate a designated competent authority so that no contradictory orders are passed. Wherever the relief is to be granted, the benefits be paid forthwith, as per the decision of the State Government. In case the necessary relief is to be denied, speaking order be passed and communicated to the concerned petitioner(s)."***

That the Finance Department vide order dated 21.11.2017, has extended the benefit of stepping up of pay to all eligible teachers/masters in terms of judgment dated 15.05.2013 passed in CWP No. 11254 of 2010- Neelam Rani Vs State of Haryana. In the judgment dated 20.12.2017, the Hon'ble High Court has considered the aforesaid F.D order dated 21.11.2017 and has issued directions to respondents (supra). In the judgment dated 30.10.2017 passed in a bunch of 39 writ petitions mainly CWP No. 15280 of 2017 –Sudhir Kumar & others vs. State of Haryana & others, the order dated 21.11.2017 of F.D. has not been considered. The operative part of the judgment dated 30.10.2017 passed in bunch of the writ petitions mainly CWP No. 15280 of 2017- Sudhir Kumar & others vs. State of Haryana & others reads as under:-

***"Consequently, these petitions are allowed in the same terms as Neelam Rani's case (Supra), with the competent authority amongst the respondents directed to consider the case of each of the petitioners for stepping up their pay scales to the level of their juniors, as per the ratio of the aforesaid judgment, and pass a speaking order thereafter. The speaking order shall be passed in the case of each petitioner/identical set of petitioners within a period of 4 months from the date of receipt of a certified copy of this order.***

***If the case of each/any petitioner(s) is found to be covered by the decision in that case, the arrears of difference of pay be released to them within another period of 3 months thereafter, but with such arrears restricted to a period of 3 months and 2 months prior to the date of filing of the petition before this Court, by each particular petitioners. On such arrears, the petitioners would also be entitled to interest @ 6% per annum, as was granted in Neelam Rani's case."***

Since, two sets of order have been passed by different Hon'ble Benches of Punjab and Haryana High Court, therefore, the matter was again submitted to Finance Department Haryana for advice. Considering the issues raised by the Department, the Finance Department Haryana vide U.O No. 6/42/2011-4 PR (FD) 82 dated 13.02.2018 advised the Department to consider the case of each and every Petitioner/Teacher in light of following observations:-

- (a) ***While extending the benefit of stepping-up under aforesaid FD letter dated 21.11.2017, the seniority as per service rules may only be kept in view as any violation thereof may not***

*only result in avoidable overpayment of Govt. Funds to non-entitled personnel but may also be leading to set in motion a chain of endless litigation. Hence it has been advised that while extending the benefit of stepping-up, the issue of seniority as provided under Service Rules be taken into account.*

- (b) The Finance Department further advised that there is no limitation of period of payment of pay arrears. The benefit of stepping-up may be allowed to an eligible employee on actual basis from the date it becomes due. So far as reference to judgment dated 30-10-2017, in CWP No. 15280 of 2017- Sudhir Kumar & others versus State of Haryana & others and judgment dated 15-03-2018 in CWP No. 6516/2018- Sangeeta & others vs State of Haryana & others are concerned, it is clarified that the beneficiary employees may be given an option to receive this benefit as per this judgment i.e. restriction of arrears for 38 months only prior to filing of concerned CWP alongwith interest @ 6% p.a. OR to receive this benefit in terms of FD instructions dated 21-11-2017 on actual basis from the date it becomes due without interest. The option from concerned employee be sought within a month.*
- (c) In reply to issue (c), it has been advised that there is no contradiction in FD advice dated 21-11-2017 and W/CS letter dated 08-05-2017. Both have been issued to minimize the litigation, accordingly, FD order dated 21-11-2017 be implemented.*

Considering the judgments passed by Hon'ble Punjab and Haryana High Court in light of Finance Department orders and advice, it has been decided that the competent authority i.e. Drawing & Disbursing Officer would consider the claim of the claimant Teachers in the light of above said observations and take an option from the claimant as specified in para (b) above before extending the benefits of stepping up of pay at par with Junior and compliance report be submitted to Directorate positively.

Order accordingly.

  
(Rajnarayan Kaushik)  
Director Elementary Education,  
Haryana, Panchkula

To

Mr. Kamal Kumar  
JBT now SS Master, GSSS – Sidhrawali,  
Distt. – Gurgaon