**SURESH AHLAWAT, Advocate**

**PUNJAB & HARYANA HIGH COURT**

**CHAMBER NO. 62, CHANDIGARH. ( 94171-11917)**

**==========================================**

**Registered A.D. Dated :-**

**TO**

Financial Commissioner cum Principal Secretary to Government Haryana, School Education Department, New Secretariat Haryana, Sector 17 Chandigarh.

2. The Director-General, Secondary Education Haryana, Shiksha Sadan, Sector 5, Panchkula.

3. The District Education Officer, Rohtak.

**Sub. Legal Notice cum Final Demand Notice**

Under the instructions from and on behalf of Indra Dhall w/o Sh. Hans Raj, Ex Lecturer (10+2) Govt. Sr. Sec. School Kheri-Sadh Rohtak, presently resident of House no. 1052 Sector-2, Rohtak. (hereinafter referred to my client ) I hereby serve upon you with the following legal notice:-

1. That my client was appointed as Science Mistress in the Department of Education, Haryana on 23.12.1986 and joined in Govt. Girls Middle School Nigana Distt. Rohtak on ad-hoc basis and further her services were regularized on 1.1.1991 according to the regularisation policy of the State Govt. . On dated 17.7.1996, she was promoted as Lecturer from the post of Science Mistress. After serving the department successfully, she retired from service on dated 30.6.2016 after superannuation from the Govt. Sr. Sec. School Kheri-Sadh (Rohtak) as lecturer 10+2 in the subject of Chemistry.
2. That after the retirement from service on 30.6.2016, her all the retirement benefits admissible to her i.e. G.P.F, Medical Leave, Gratuity, G.I.S etc were released except benefit of Leave Encashment of adhoc period i.e. 23.12.1986 to 31.12.1990 where as, benefit of Leave Encashment of her regular service period i.e. 1.1.1991 to 30.6.2016 had been released . The benefit of leave encashment/ Earned Leave of ad-hoc service period i.e. 23.12.1986 to 31.12.1990 was not granted by the office of the respondent no.3 (Section Officer) whereas, she was fully entitled to this benefit .
3. That despite the repeated requests by her to their respective Drawing& Disbursing officers to grant her the benefit of Earned Leave from the date of her joining the service i.e. ,23.12.1986 on ad-hoc basis. No response has been given by the concerned authorities to my client and you have denied the right of benefit of Earned Leave of ad-hoc service period in utter violation of the rules. This action of the concerned authorities in denying the benefit of earned leave from the date of joining ad-hoc service (23.7.1986 to 1.12.1990) which should have accrued to her. It is unjust, illegal, arbitrary and violation of various orders passed by the Hon,ble High Court and Hon,ble Supreme Court, and your letter E.D. Hr. No.11/73/99-Edu. 1V, (3) **dated 7.8.2001** **Annexore -1** was issued by your department in compliance of the order passed by the Hon,ble Courts.
4. That as per observation of the Hon,ble Supreme Court of India in the case reported as “Rattan Lal and Others vs State of Haryana i.e. 1995 Vol.111, SLR Page 548, it is clear enough that ad-hoc employees are not only entitled to the benefit of medical leave /maternity leave allowances but also of other privileges available to other Gove. Servants as long as they hold the office . This benefit i.e. leave encashment /earned leave has been unreasonably denied to my client on account of her adhoc appointment which amount to breach of the spirit of Article 14 and 16 of the Constitution of India . In the light of the above observation by the Apex Court the Hon,ble Punjab & Haryana High Court has also decided in CWP No.4050 of 1994 titled as Rajkiya Adhayapak Sangh vs State of Haryana that benefit of earned leave shall be paid to the adhoc employees also. Hence , the instructions of the office of the D.E.O. Rohtak is denying the benefit of earned leave of adhoc period is illegal , arbitrary and in violation of Article 14 and 16 of the Constitution of India.
5. *That when the benefit of ad-hoc service as allowed by the Hon,ble Supreme Court and Hon,ble High Court should have been extended to all the teachers who worked on adhoc basis like other State Govt. employees .This was the bounded duty of your , to have done so. It had been settled by this Hon,ble Court in a long line of cases and you issued the yourself general order dated 7.8.2001 Annexure- 1 to extend this benefit of ad-hoc service to all the teachers. This way my client is being compelled to approach this Hon,ble High Court. It is further to mention here that you are doing step-motherly treatment in the case of my client which is continuing as no order has been passed as yet.*
6. *That there is sufficient judicial weight of precedents in favour of my client because you want to unsettled the settled position for the benefit of ad-hoc period .*
7. You are , therefore , requested through this Notice to allow the benefit of Earned Leave/Leave Encashment to my client from the date of her joining the service on ad-hoc basis as Science Mistress till her services were regularised i.e (23.7.1986 to 1.12.1990) **with in a pried of 15 days** from the date of receipt of notice failing which my client will be left with no other alternative except to file the writ petition in the Hon.ble Punjab & Haryana High Court, Chandigarh and in that case all the concerned authorities shall be responsible for all types of costs and litigation expenses . Please take this notice and ensure compliance.

A copy of this notice has been retained in my office for further reference and record.

**Encl.Annexure-1** -! letter E.D. Hr. no.11/73/99-Edu. 1V (3) **dated 7.8.2001**

Yours faithfully

SURESH AHLAWAT

Advocate

**respondent hence cannot put forth any reply to the ground taken by the petitioner in the sub-para under reply.**

**vii) That in reply to contents of sub-para (vii) of para 10 of the writ petition it is most humbly submitted that the answering respondent has not framed the Notification under challenge but is to merely follow it. The petitioner in the entire petition has not raised any contention against the answering respondent. The answering respondent hence cannot put forth any reply to the ground taken by the petitioner in the sub-para under reply.**

**10. That conents of para 10 of the writ petition needs no reply.**

**11. That conents of para 10 of the writ petition needs no reply.**

**12. That conents of para 10 of the writ petition needs no reply.**

**13. That conents of para 10 of the writ petition needs no reply.**

**In view of the above mentioned facts and circumstances of the case it is submitted that respondent/ Corporation No.5 has no role in the issuance of the Notification under challenge ,Than the petition only to be decided on the averments made by the petitioner as well as others respondents.**

**Place:-**

**Date: Answering Resp. No.5**

**Through Counsel**

**SURESH AHLAWAT.Advocate**

**Verification:**

**Verified that the contents of para no. to of the short reply are true and correct to my knowledge and based on the information derived from the official record, which I believe to be correct. No part of it is false and nothing material has been kept concealed therefrom.**

**Answering Resp. No.5**

**Grant of benefit of Earned Leave, Maternity Leave and Medical Leave etc.for ad-hoc service period to the teachers working under the Directorate of Secondary Education, Haryana.**

( Copy of E.D. Hr. no.11/73/99/ Edu. iv (3) **dt.7.8.2001**

Reference subject noted above.

The matter regarding grant of certain benefits to the teachers working under the Directorate of Secondary Education , Haryana in the light of following judgment:-

1. Judgment of the Hon,ble Supreme Court of India in Writ Petition no. 4600 of 1983 decided on 16.8.1985 in Rattan Lal and Others vs state of Haryana .
2. Judgment given by Hon,ble Punjab and Haruyana High Court in CWP no. 4050 of 1994 Haryana Rajkiya Adhayapak Sangh vs State of Haryana .
3. Supreme Court of India Petition (s) for SLP no. 20692 of 1996 State of Haryana. had been under the consideration of the State Govt. for some time.

Now it has been decided by the state Govt. to grant the benifitof Erned Leave, Maternity Leave and Medical Leave etc. for the period of ad-hoc service to the teachers working under the Directorate of Secondary Education in the same way as these benefits are admissible under the rules to the teachers who are in the regular service of the State Govt.

Further in this regard, you are requested to frame a policy on the subject of ad-hoc appointment with in a period of two months and get the same approved from the Counsel of Ministers after clearance thereof by the Finance Department

This issue with the concurrence of Finance Department.

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2016

Indra Dhall w/o Sh. Hans Raj, Ex Lecturer (10+2) Govt. Sr. Sec. School Kheri-Sadh Rohtak, resident of House no. 1052 Sector-2, Rohtak. --------------------- -------Petitioner

Versus

1. The State of Haryana through the Principal Secretary to Government, Haryana, School Education Department, New Secretariat Haryana, Sector 17 Chandigarh.

2. The Director-General, Secondary Education Haryana, Shiksha Sadan, Sector 5, Panchkula.

3. The District Education Officer, Rohtak.

……… Respondents

PLACE: CHANDIGARH SURESH AHLAWAT

Dated 10.2016 ADVOCATE COUNSEL FOR PETITIONER

CIVIL WRIT PETITION under Articles 226/227 of the Constitution of India for the issuance of a Writ, in the nature of Mandamus directing the respondents to take in to account ad-hoc service rendered by the petitioner from 23.12.1986 to 31.12.1990 towards calculation of Earned Leave for the purpose of leave encashment and release due amount of leave encashment to the petitioner w.e.f. 1.7.2016 ( i.e date of retirement is 30.6.2016) to till the date of actual payment with interest 18**%. in terms of letter**  E.D. Hr. no.11/73/99/ Edu. iv (3) **dated 7.8.2001 (Annexure P-3)** issued by the Education Department in compliance of Judgment passed by this Hon,ble Court in C.W.P. 4050 of 1994 titled as Rajkiya Adhapak Sangh v/s State of Haryana; and further, also in view of judgment of the Hon,ble Supreme Court in SLP no. 4600 of 1983 titled as Rattan Lal etc. V/s State of Haryana.

***RESPECTFULLY SHOWETH***

1. **­That** the petitioner is a resident of District Rohtak (Haryana) and as such being a citizen of India, she is fully competent to invoke the extraordinary writ jurisdiction of this Hon’ble Court under Articles 226/227 of the Constitution of India by way of the present writ petition.
2. **That** petitioner was appointed as Science Mistress in the Department of Education ,Haryana and joined on 23.12.1986 in the Govt. Girls Middle School Nigana Distt. Rohtak on ad-hoc basis and further her services were regularized on 1.1.1991 according to regularizing policy of the State Govt. ,when she was posted in Govt. Girls Middle School Roorki (Rohtak). After serving the Department successfully, Petitioner retired from service on dated 30.6.2016 on attaining the age of superannuation from the Govt. Sr. Sec. School Kheri-Sadh (Rohtak) as lecturer 10+2 in the subject of Chemistry. A copy of regularisation order dated 27.6.1991 of the petitioner is being attached herewith as **ANNEXURE P-1** for kind perusal for this Ho,ble Court.

**3.** **That** after the retirement from service of the petitioner i.e. on 30.6.2016 respondents released all the retirement benefits admissible to the petitioner i.e. G.P.F, Medical Leave, Gratuity, G.I.S and Leave Encashment of regular service period ( 1.1.1991 to 30.6.2016) but the benefit of Earned Leave of ad-hoc service period ( 23.12.1986 to 31.12.1990) to the petitioner has not been granted by the office of the respondent no.3 .

4. **That**  before the year 1998 large number of teachers appointed on adhoc/contract basis by the education department Haryana and the benefit of the regular pay scale has been given to these persons like the regular teaches but the benefit i.e. Maternity Leave, Medical Leave ,half pay leave and *Earned leave, have not been given to the adhoc teachers, on the ground that this benefit has been granted to only regular employees of the State as per Leave* ***Rules 8.116*** *contained in Punjab C.S.R.Vol.1 Part-1, as applicable to the Haryana. It is pertinent to mention here that earned leave permitted to 10 days on full pay during the year and further in the above said Rule, there is a method of calculation of cash payment in lieu of unutilized earned leave on the date of retirement.*

***5****.* ***Than*** *large number of representations had been submitted by the adhoc teachers to the State Government for grant the same benefits i.e.* Maternity Leave, Medical Leave ,half pay leave and *Earned leave, which were given to the regular employees because they are also discharging the same duty like regular employees so, they are entitled to the same relief. When the respondents not considered their demand they approached to the Hon,ble High Court by filing various writ petitions and such type of matter reached up to Hon,ble Supreme Court in Rattan Lal case 1985 (3) SLR 548 , one of the writ petition no. 4050 0f 1994 titled as Rajkiya Adhyapak Sangh vs State of Haryana which was allowed on 6.6.1994 by this Hon,ble Court in the light of Rattan Lal case . Conclusion para* ***of the Judgment dated 6.6.1994 is reproduced as under :-***

***4. ” Under the circumstances this writ petition is accepted and a direction is issued to the respondents to grant medical leave, earned leave, maternity leave ,etc to the petitioners . No cost.”***

*The copy of the said order dated 6.6.1994 passed by this Hon,ble Court is annexed herewith as* ***Annexure P-2.***

***6.******That*** *in compliance of order dated 6.6.1994 passed in CWP no. 4050 0f 1994 and upheld by Hon,ble Supreme Court of India, the respondents settled this controversy and respondent no.1 had issued a letter dated 7.8.2001, where by, granted this benefit to all teachers in the state who have worked/working on adhoc basis. The copy of the letter* E.D. Hr. no.11/73/99/ Edu. iv (3) **dated 7.8.2001**  *is annexed herewith as* ***Annexure P-3.***

***7.******That*** *petitioner utter surprised after her retirement from service when she was given the benefit of leave encashment ( earned leave) only for the regular period of her service i.e. 1.1.1991 to 30.6.2016 and her adhoc service period (23.12.1986 to 31.12.1990) not counted for leave encashment. Official of the Respondent no.3 told to the petitioner that regarding this period, ( adhoc ),no letter of Head Office has been received .*

***8.******That*** *this benefit of ad-hoc service as allowed by the Hon,ble Supreme Court and this Hon,ble Court should have been extended to all the teachers .This was the bounded duty of the respondents to have done so. It is further submit that it has been settled by this Hon,ble Court in a long line of cases and respondent itself issued the general order annexure P-3 to extend this benefit of ad-hoc service to all teachers, but the respondents are harassing the petitioner and compel to approach this Hon,ble High Court. It is further mentioned here that respondents are doing step-motherly treatment in the case of the petitioner which is continued as no order has been passed .*

***9.******That*** *there is sufficient judicial weight of precedents in favour of the petitioner because respondents have unsettled the settled position for the benefit of ad-hoc period .*

***10.******That*** *on 23.8.2016 petitioner have been representing to the respondents to extend benefit of leave encashment/earned leave but nothing has been done . Finally the petitioner sent a legal notice through counsel vide notice dated 10..9.2016 to the respondents that she be granted the benefit of earned leave attached with the ad-hoc service. The copies of these representation and legal notice are annexed herewith as* ***Annexure P-4 and 5*** *respectively.*

***11.******That*** *act of the respondents is not extending benefit of leave encashment/ earned leave of the ad-hoc service rendered by the petitioner, in spite of the law laid down by the Hon,ble Supreme Court and this Hon,ble Court and letter dated 7.8.2001 (Annexure P-3). is highly arbitrary, discriminated , illegal and violative of law of equity.*

**12.** **That** the main law points involved in this writ petition are as under:-

1. Whether the action of the respondents is arbitrary and violative of Articles 14 and 16 of the Constitution of India?

b) Whether a grave and manifest injustice has been caused to the petitioner?

c) Whether the case of the petitioner is covered vide Annexure P-3 ?

**13.** **That** there is no other alternative remedy of appeal or revision available to the petitioner except to approach this Hon’ble Court by way of the present writ petition under Article 226 of the Constitution of India.

**14.** **That** the petitioner has not so far filed any such or similar writ petition either in this Hon’ble Court or in the Hon’ble Supreme Court of India for seeking the same relief against the impugned action of the respondents.

**PRAYER**

It is, therefore, respectfully prayed that this Hon’ble Court may be pleased to call for the records of the present case and after perusal thereof may be pleased to issue: -

1. a Writ in the nature of Mandamus directing the respondents to take in to account ad-hoc service rendered by the petitioner from 23.12.1986 to 31.12.1990 towards calculation of Leave ( Earned Leave) for the purpose of leave encashment and release due amount of leave encashment to the petitioner w.e.f. 1.7.2016 ( date of retirement is 30.6.2016) to till the date of actual payment with interest 18**%. in terms of letter dated 7.8.2001 ( Annexure P-3)** issued by the Education Department in compliance of Judgment passed by this Hon,ble Court in C.W.P. 4050 of 1994 titled as Rajkiya Adhapak Sangh v/s State of Haryana and further also in view of judgment of the Hon,ble Supreme Court in SLP no. 4600 of 1983 titled as in Rattan Lal etc. V/s State of Haryana.
2. And/or any other appropriate writ, order or direction be also issued which this Hon’ble Court may deem fit, just and proper in the peculiar facts and circumstances of this case and to which the petitioner is found entitled in law justice and equity.
3. Filing of true typed of annexures and certified copy of Annexures be also dispensed with;
4. Costs of the present writ petition be also awarded in favour of the petitioner and against the respondents.

Place: Through: Petitioner

DATED: **( SURESH AHLAWAT)**

**ADVOCATE**

**Counsel for the petitioner.**

***VERIFICATION***

Verified that the contents of Para No. 1 to 11 and 13 and 14 of the writ petition are true and correct to my knowledge. Legal submissions made in para no. 12 is believed to be true on the advice received from the learned Counsel. No part of it is false and nothing has been kept concealed therefrom.

Petitioner

CHANDIGARH

DATE:-

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2016

Indra Dhall -------------------------------- Petitioner

Versus

The State of Haryana and others ----------------------Respondents

Affidavit of Indra Dhall w/o Sh. Hans Raj presently resident of House no. 1052 Sector-2, Rohtak. I , the above named deponent do hereby solemnly affirm and declare on oath as under: -

1. That the deponent has gone through the contents of the accompanying petition which have been drafted by the counsel on my instructions. The contents of the same are admitted to be true and correct and be read as part and parcel of this affidavit.

2. That no such or similar petition has earlier been filed either before this Hon,ble Court or Hon,ble Supreme Court.

CHANDIGARH

DATED . 10 .2016

*VERIFICATION*

Verified that the contents of my above affidavit are true and correct to my knowledge. No part of it is false and nothing has been kept concealed therein.

CHANDIGARH

DATED 10 .2016

**THE HIGH COURT OF PUNJAB AND HARYANA**

**AT CHANDIGARH**

**C.W.P. No. OF 2016**

**Indra Dhall …….. …. …Petitioner**

**Versus**

**State of Haryana and others. ------------- Respondents**

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| **4** | **Annexure P-1 ( Copy of Regularisation Letter)** | **27.6.1991** | **13** | **.65** |
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***NOTES:-***

**1. The main law points canvassed in this writ petition are contained in para No. 12 at page 8,9 and thereof.**

**2. *Relevant Acts and Statutes* - Constitution of India.**

**3. Whether any Caveat/Petition has been filed in this case:No**

**4. *Similar Case, if any :No.***

**CHANDIGARH ( SURESH AHLAWAT )**

**DATED : 2.10.2016 ADVOCATE**

**COUNSEL FOR THE PETITIONER**

**LIST OF EVENTS**

**23.12.1986** That petitioner was appointed as Science Mistress in the Department of Education ,Haryana and joined on 23.12.1986 in Govt. Girls Middle School Nigana Distt. Rohtak on ad-hoc basis.

**01.01.1991** Petitioner’s services were regularized on 1.1.1991 according to regularizing policy of the State Govt.

**17.07. 1996** Petitioner was promoted as Lecturer Chemistry in Sr.Sec. School ( 10+2) from the post of Science Mistress.

**30.06.2016** Petitioner retired from service on dated 30.6.2016 on attaining the age of superannuation her from the Govt. Sr. Sec. School Kheri-Sadh (Rohtak) as lecturer 10+2.

**That after** the retirement from service i.e. on 30.6.2016 respondents released all the retirement benefits admissible to the petitioner i.e. G.P.F, Medical Leave, Gratuity, G.I.S etc. but Leave Encashment granted to her, only regular service period i.e 1.1.1991 to 30.6.2016 but the benefit of Earned Leave of ad-hoc service period i.e. 23.12.1986 to 31.12.1990 of the petitioner not granted by the office of the respondent 3.

Where as, such type of controversy already has been settled by the this Hon,ble Court, in compliance of orders passed by the this Hon,ble Court, respondent no. 1 has already been issued the general order / letter dated 7.8.2001 **(Annexure P-3 )** to give the ad-hoc service benefits to all such teachers in the State of Haryana, who have worked on adhoc basis.

***23.8.2016***  *That petitioner has been representing on dated 23.8.2016 to the respondents to extend benefit of leave encashment/earned leave to her but nothing has been done . Finally the petitioner sent a legal notice through counsel vide dated 10..9.2016 to the respondents that she be granted the benefit of earned leave attached with the ad-hoc service.*

but no action has been taken so far.

--------- Hence, the present writ petition.

CHANDIGARH ( SURESH AHLAWAT )

DATED : .10.2016 ADVOCATE

COUNSEL FOR THE PETITIONER

**SURESH AHLAWAT, ADVOCATE**

**PUNJAB & HARYANA HIGH COURT**

**CHAMBER NO. 62, CHANDIGARH. ( 94171-11917)**

**==========================================**

**Registered A.D. Dated :-**

**TO**

1. Financial Commissioner cum Principal Secretary to Government Haryana, School Education Department, New Secretariat Haryana, Sector 17 Chandigarh.

2. The Director-General, Secondary Education Haryana, Shiksha Sadan, Sector 5, Panchkula.

3. The District Education Officer, Rohtak.

**Sub. Legal Notice cum Final Demand Notice**

Under the instructions from and on behalf of Indra Dhall w/o Sh. Hans Raj, Ex Lecturer (10+2) Govt. Sr. Sec. School Kheri-Sadh Rohtak, presently resident of House no. 1052 Sector-2, Rohtak. (hereinafter referred to my client ) I hereby serve upon you with the following legal notice:-

* 1. That my client was appointed as Science Mistress in the Department of Education, Haryana on 23.12.1986 and joined in Govt. Girls Middle School Nigana Distt. Rohtak on ad-hoc basis and further her services were regularized on 1.1.1991 according to the regularisation policy of the State Govt. . On dated 17.7.1996, she was promoted as Lecturer from the post of Science Mistress. After serving the department successfully, she retired from service on dated 30.6.2016 on attaining the age of superannuation from the Govt. Sr. Sec. School Kheri-Sadh (Rohtak) as lecturer 10+2 in the subject of Chemistry.
  2. That after the retirement from service on 30.6.2016, all the retirement benefits admissible to her i.e. G.P.F, Medical Leave, Gratuity, G.I.S etc were released except benefit of Leave Encashment of adhoc period i.e. 23.12.1986 to 31.12.1990 where as, benefit of Leave Encashment of her regular service period i.e. 1.1.1991 to 30.6.2016 had been released . The benefit of leave encashment/ Earned Leave of ad-hoc service period i.e. 23.12.1986 to 31.12.1990 was not granted by the office of the respondent no.3 (Section Officer) whereas, she was fully entitled to this benefit .
  3. That despite the repeated requests by her, to their respective Drawing& Disbursing officers to grant her the benefit of Earned Leave from the date of her joining the service i.e. ,23.12.1986 on ad-hoc basis. No response has been given by the concerned authorities to my client and you have denied the right of benefit of Earned Leave of ad-hoc service period in utter violation of the rules. This action of the concerned authorities in denying the benefit of earned leave from the date of joining ad-hoc service (23.7.1986 to 1.12.1990) which should have accrued to her. It is unjust, illegal, arbitrary and violation of various orders passed by the Hon,ble Pb. & Har. High Court and Hon,ble Supreme Court, and your general order/ letter E.D. Hr. No.11/73/99-Edu. 1V, (3) **dated 7.8.2001** **Annexore -1** was issued by your department in compliance of the order passed by the Hon,ble Courts.
  4. That as per observation of the Hon,ble Supreme Court of India in the case reported as “Rattan Lal and Others vs State of Haryana i.e. 1995 Vol.111, SLR Page 548, it is clear enough that ad-hoc employees are not only entitled to the benefit of medical leave /maternity leave allowances but also of other privileges available to other Gove. Servants as long as they hold the office . This benefit i.e. leave encashment /earned leave has been unreasonably denied to my client on account of her adhoc appointment which amount to breach of the spirit of Article 14 and 16 of the Constitution of India . In the light of the above observation by the Apex Court the Hon,ble Punjab & Haryana High Court has also decided in CWP No.4050 of 1994 titled as Rajkiya Adhayapak Sangh vs State of Haryana that benefit of earned leave shall be paid to the adhoc employees also. Hence , the instructions of the office of the D.E.O. Rohtak is denying the benefit of earned leave of adhoc period is illegal , arbitrary and in violation of Article 14 and 16 of the Constitution of India.
  5. *That when the benefit of ad-hoc service as allowed by the Hon,ble Supreme Court and Hon,ble High Court should have been extended to all the teachers who worked on adhoc basis like other State Govt. employees .This was the bounded duty of your , to have done so. It had been settled by this Hon,ble Court in a long line of cases and you issued the yourself general order dated 7.8.2001 Annexure- 1 to extend this benefit of ad-hoc service to all the teachers. This way my client is being compelled to approach this Hon,ble High Court. It is further to mention here that you are doing step-motherly treatment in the case of my client which is continuing as no order has been passed as yet.*
  6. *That there is sufficient judicial weight of precedents in favour of my client because you want to unsettled the settled position for the benefit of ad-hoc period .*
  7. You are , therefore , requested through this Notice to allow the benefit of Earned Leave/Leave Encashment to my client from the date of her joining the service on ad-hoc basis as Science Mistress till her services were regularised i.e (23.7.1986 to 1.12.1990) **with in a pried of 15 days** from the date of receipt of notice failing which my client will be left with no other alternative except to file the writ petition in the Hon.ble Punjab & Haryana High Court, Chandigarh and in that case all the concerned authorities shall be responsible for all types of costs and litigation expenses . Please take this notice and ensure compliance.

A copy of this notice has been retained in my office for further reference and record.

**Encl.Annexure-1** -! letter E.D. Hr. no.11/73/99-Edu. 1V (3) **dated 7.8.2001** Yours faithfully

SURESH AHLAWAT

ADVOCATE

* REGISTRERED

To

Head Master

Govt. High/Higher Secondary School

-----------------------------------------

Sr.No. no. Estt. –II /91/ 0352-475

**Dated : 27.6.1991**

Subject:- Regarding Regularization of services of the ad-hoc teacher

According the order Sr.no. Estt./91/ no 3503-04 dated 3.6.1991 , issued by Distt. Education Officer /Distt. Primary Education Officer, Rohtak, the services of Mr./Mrs. Indra Dhall G.G.M. School, Roorki /Sanskrit/Hindi/PTI//Art&Craft Teacher/Master/ of your school has been regularized w.e.f.  **1.1.91.** So, Service Book of teacher is sent to your record.

Sd.

Sub Division Educational Officer

Rohtak

Letter -Same-------

One copy is forwarded to :-

Estt. 3 ( In this office) Mr./ Mrs.-----------

with personal file of teacher

DA 1. Personal File 2. Accounts-2 ( In this office) Mr. /Mrs.-----Teacher , Govt. Middle School –Rurkee with service book

Sub Division Educational Officer

Rohtak

**To**

**The Director ,**

**Secondary Education. Haryana**

**Shiksha Sadan, Panchkula.**

**Subject:- Release of amount related to Leave Encashment for ad-hoc Service period –request regarding.**

Dear Sir/Madam,

I wish to state that I had joined service as Science Mistress on 23.12.1986 in Govt. Girls Middle School Nigana(Rohtak) on ad-hoc basis . My service was regularized on 1.1.1991 when I was posted as Science Mistress in Govt. Girls Middle School Roorki( Rohtak) . I was promoted as Lecturer Chemistry and I was joined Govt. Sr. Sec. School Samer-Gopalpur (Rohtak) on 17.7.1996. At the time of retirement, my grade pay was Rs. 9300-34800.

I got retired as Lecturer Chemistry on 30.6.2016 from Govt. Sr. Sec. School Kheri-Sadh( Rohtak) . After my retirement I have been released Leave Encashment amounting to Rs. 5,37,198/- on 28.7.2016. This amount pertains to the period from 1.1.1991 to 31.12.2015 ( regular service period) . This is to further state that Leave Encashment for my service period from 23.12.1986 to 31.12.1990 ( ad-hoc service period) has not been given.

I further wish to state that stopping my leave Encashment for the period from 23.12.1986 to 31.12.1990 is unjustified and against rules. I wish to bring it, to your kind notice that Mrs. Gayan Devi ,Hindi Teacher who retired from Govt. Girls Sr. Sec. School , Rurkee( Rohtak) in July- 2012 and Mrs. Nirmal ,Lecturer ,History who retired Govt. Girls Sr. Sec. School , Rurkee( Rohtak) in Sep. -2013 ,have been given Leave Encashment for their ad-hoc service period as per order no. ED.Har. No. 11/73/99. Edu. 1V (3) dated 3.8.2001 for grant of benefit of Earned Leave, Maternity Leave and Medical Leave etc. for ad-hoc service period for the teaches working under the Director, Secondary Education, Haryana.

Sir/Madam , when this benefit of Leave Encashment for ad-hoc service period as per order stated above, has been given to Mrs. Gayan Devi and Mrs. Nirmal then, why I am being denied this benefit of Leave Encashment for the Ad-hoc service period . I request you to kindly consider the above stated facts and allow me Leave Encashment for ad-hoc service period from 23.12.29986 to 31.12.1990.

Enclosed Yours Sincerely

1 Copy of Indra Dhall

Ex Lecturer Chemistry ( Govt. Sr. Sec. School Kheri-Sadh ( Rohtak)

# H.No.1052, Sector-2 ROHTAK -124001

Enclosed:

1.Copy of Ad-hoc appointment Letter

Copy of the Regular appointment Letter

Copy the Letter of Director Education

PANJAB AND HARYANA HIGH COURT

(D.B.)

Ashok Bhan and Sat Pal, JJ.

**C.W.P. No. 4050 of 1994**

Decided on 6.6.1994

**Haryana Rajkiya Adhyapak Sangh ------------------- Petitioner**

**Versus**

**The State of Haryana and others ---------------- Respondents**

For the Petitioner : Mr. Kirti Kumar, Advocate

For the Respondent: Mr. Arun Nehra, Addl. A.G. ( Haryana)

**Ashok Bhan,J.-** Petitioners are serving ad hoc teachers is Govt. Schools under the State of Haryana. They have been disallowed the benefits of Medical Leave, Maternity, Earned Leave,etc. on the ground that instructions Annexure P-2 do not provide so.

**2.** Supreme Court of India in Rattan Lal and Others vs. State of Haryana and Others,1985(3) SLR 548 with regard to the salary and allowances for summer vacation, in the case of ad hoc teachers , observed as under:-

“ We strongly deprecate the policy of the State Govt. under which ‘ad hoc’ teachers are denied the salary and allowances for the period of the summer vacation by resorting to the fictional breaks of the type referred to above. These ‘Ad hoc’ teachers shall be paid salary and allowances for the period of summer vacation as long as they hold the office under this order. Those who are entitled to maternity or medical leave, shall also be granted such leave in accordance with the rules.”

**3.** The matter in dispute is squarely covered by the observations of the Supreme Court in Rattan Lal,s case (supra) . It is clear enough on the point that ad-hoc teachers employed by the State Govt. are not only entitled to medical leave, maternity leave, earned leave, etc. but other allowances as well.

**4** Under the circumstances, this writ petition as accepted and a direction is issued to the to the respondents to grant medical leave, earned leave, maternity leave, etc. to the petitioners . No costs.

**Petition allowed**

To