

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no.7920 of 1993 (O&M)

Date of Decision : 09.01.2015

Piara Singh and another

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1)Whether reporters of local newspapers may be allowed to see the judgment?

2) To be referred to the Reporters or not?

3) Whether the judgment should be reported in the Digest?

Present : Mr. Dheeraj Jain and
Mr. Vijay Kumar Chaudhary, Advocates for the petitioners

Mr.Nilesh Bhardwaj, DAG, Punjab

MAHESH GROVER, J.

The petitioners pray for grant of three additional increments which according to them they were entitled to pursuant to the revision of pay scales which took place on 1.11.1971.

The respondents deny the admissibility of increments on account of revision of 1971 but have stated categorically that the petitioners were granted three additional increments when they were appointed on account of higher qualification that they possess.

The facts would indicate that petitioner no.1 was appointed as JBT Teacher on 21.6.56 while petitioner no.2 was appointed on 24.7.1959. Both the petitioners possess the qualification of Giani and eventually they were appointed as Punjabi (C&V) Teachers on 30.10.1971 and 24.1.1973 respectively.

The claim of the petitioners for additional increments pursuant

to the revision is not fortified by any material on record. The petitioners of course would refer to the averment made in their petition that in terms of the revision a decision had been taken to grant three additional increments to Hindi, Punjabi and Drawing teachers. The petitioners would also refer to the corresponding para of the reply to contend that averments in this paragraph have been admitted to be a matter of record.

A perusal of the reply would reveal that the admission has been qualified by the consistent stand of the respondents that three additional increments had already been granted to the petitioners on an earlier point of time on account of higher qualification.

This fact has not been denied by the petitioners and no clarificatory affidavit has been filed. Therefore, this Court does not have the benefit of the material by which the grievance of the petitioners could be appreciated. There is nothing to suggest from any document that 1971 revision of pay scale envisaged grant of three additional increments to the (C&V) Teachers. A bare assertion of the petitioners, denied by the respondents with absolute qualification of a counter assertion would merely indicate a disputed question of fact with no material to really substantiate the grievance of the petitioners.

Consequently, instant petition is dismissed.

January 09, 2015
rekha

(MAHESH GROVER)
JUDGE