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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.11615 of 2013
Date of Decision: 12.01.2015.

Government College of Arts & anotherPetitioners

Versus

Sanjeev Soni and anotherRespondents

CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Harkesh Manuja, Advocate
for the petitioners.

Mr. Loveneet Thakur, Advocate for
Mr. R.S. Bains, Advocate
for respondent No.1.

1. *Whether Reporters of local papers 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?*

SURYA KANT, J. (ORAL)

The short controversy in this case is whether the first respondent is entitled to the grant of senior scale on completion of eight year service or six year service?

The Central Administrative Tribunal, Chandigarh Bench, vide orders dated 20.04.2012 and 21.12.2002 (Annexures P-3 & P-5) respectively, has held respondent No.1 entitled to the senior scale on completion of six year service on the premise that such a benefit was granted to the similarly placed lecturers on completion of six years of

service.

The first respondent as well as the other similarly placed lecturers, namely, the instances relied upon by him, are working in the Government College of Arts, Sector 10, U.T., Chandigarh.

When this writ petition came up for preliminary hearing on May, 27, 2013, it was contended on behalf of petitioner-authorities that the first respondent is entitled to senior scale on completion of eight years of service i.e. from the year 1998 and not from 1996. This Court thereafter passed another order on May 12, 2014 asking the petitioner-authorities to clarify whether senior scale was granted to other lecturers working in the above stated College after completion of eight years of service as per Government of India circular dated 28.12.1989 or it was granted on completion of six years of service as per the circular of All India Council of Technical Education dated 31.07.2001?

The petitioners clarified the above stated query on 22.05.2014 pointing that prior to issuance of circular dated 31.07.2001 by the All India Council of Technical Education, all the lecturers were granted senior scale after eight years of service whereas after the issuance of that circular, senior scale has been granted on completion of six years of service uniformly.

The grievance of the first respondent before the Tribunal was with reference to an order dated 08/17th December 2009 (A-6) which would show that he was granted senior scale w.e.f. 20.09.2009 whereas those who are appointed one year before him were granted the same from different dates in the year 1996.

The aforesaid anomaly has since been partly removed by the petitioners in a meeting held on 01.07.2011 in which the date of grant of

senior scale to the first respondent has been pre-poned to 19.02.1999 i.e. on completion of eight years of service on the assumption that his services were regularised on 19.02.1991. Similarly, the other lecturers have also been granted senior scale on completion of eight years of service only.

The aforesaid decision, however, satisfy the respondent No.1's claim partially.

The Tribunal vide orders under challenge has also held respondent No.1 entitled to regularisation of services w.e.f. 08.01.1990. The said date of regularisation cannot possibly be challenged as such it has already been upheld by this Court in some other case.

Taking into account the aforesaid date of regularisation, the first respondent would be entitled to senior scale w.e.f. 01.01.1998 instead of 19.02.1999.

The petitioners are thus required to suitably modify their decision and to grant all the consequential benefits to respondent No.1 accordingly. Let the needful be done within a period of three months.

The orders dated 20.04.2012 and 21.12.2002 (Annexures P-3 & P-5) respectively, passed by the Tribunal stand modified to that extent and the writ petition stands disposed of accordingly.

(SURYA KANT)
JUDGE

12.01.2015
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(RAJ MOHAN SINGH)
JUDGE