

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.9536 of 1993

Date of decision: 06.01.2016

Megh Raj and othersPetitioners

Versus

State of Haryana and othersRespondents

2. CWP No.12616 of 1993

Ranbir Singh and othersPetitioners

Versus

State of Haryana and othersRespondents

3. CWP No.14880 of 1992

Sukhbir Singh and othersPetitioners

Versus

State of Haryana and anotherRespondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sumeet Sheokand, Advocate
for the petitioners (in all the writ petitions)

Mr. Parvinder Singh Chauhan, Addl. A.G., Haryana.

RITU BAHRI J. (Oral)

By this single judgment I intend to dispose of three
writ petitions i.e. **CWP No.9536 of 1993** titled as "***Megh Raj and
others vs State of Haryana and others***", **CWP No.12616 of 1993**

titled as ***“Ranbir Singh and others vs State of Haryana and others”*** and CWP No.14880 of 1992 titled as ***“Sukhbir Singh and others vs State of Haryana and another”***.

The present writ petitions have been filed by the petitioners seeking direction to the respondents to grant the higher grade of D.P.E. to them from the date of appointment as P.T.I.

The petitioners are seeking higher pay scale on the basis of the instructions dated 23.07.1957 (Annexure P-1) issued by the Secretary to Government of Punjab, which was subject-matter of a decision in Civil Writ Petition No.770 of 1988 titled as ***“Kartar Singh vs State of Haryana”***. The Hon'ble Supreme Court vide judgment dated 31.07.1989 allowed the aforesaid petition and held that the petitioners are entitled to the scale of 1400-2600 from the date of regularization or from the date of acquiring higher qualification of D.P.Ed. In pursuance to the judgment passed by Hon'ble Supreme Court, the State of Haryana vide order dated 26.03.1990 (Annexure P-2) granted the scale of D.P.Ed. to only those persons who were petitioners before the Hon'ble Supreme Court and the claim of the present petitioners has been denied by the Department.

The State Government has issued clarification vide letter dated 09.03.1990, providing that scales of master would be given to such employee who are appointed against those posts and they would not be automatically entitled to higher pay scales.

Mr. Dilbag Singh, Joint Director in the office of Director Elementary Education, Haryana, Panchkula, has filed reply to the present writ petition on 03.11.2015, clarifying the process with regard to admissibility of higher pay scales being sought by the present petitioners. It is stated in the affidavit that the petitioners were initially appointed as P.T.I. on *ad hoc* basis and later on regularized on the posts of P.T.I. The petitioners have acquired the course of D.P.Ed. Examination before their joining in the Government Service. During the service, the petitioners were promoted to the posts of D.P.E. The petitioners are claiming higher pay scales meant for the posts of D.P.E. while they were working as P.T.I. on the ground that they were holding the course of D.P.Ed. Examination which is higher qualification for the posts of P.T.I. and the petitioners based their claim on the basis of Joint Punjab instructions dated 23.07.1957 (Annexure P-1).

In Paragraph 3 of the reply, it has been explained in detail that the Government of Joint Punjab vide notification dated 23.07.1957 (Annexure P-1) revised the pay scale of low paid government servants including teachers in Education Department. The State of Haryana was carved out from the State of Punjab on 01.11.1966 as a separate independent State. The question of revision of pay scales of the teachers employed under the Government Haryana was considered by the Education Commission i.e. Kothari Commission. The recommendations

made by Kothari Commission were accepted by the President of India and were implemented by the State Government w.e.f. 01.12.1967. Thereafter, the Government of Haryana issued instructions dated 09.03.1990 (Annexure R-1), clarifying the application of instructions dated 23.07.1967 issued by the Joint Punjab. The letter dated 23.07.1957 of the composite Punjab automatically stood inoperative after issuance of letter No.152-I-E-ED-II/68/540 dated 05.01.1968.

The Hon'ble Supreme Court while dealing with similar issue in Civil Appeal No.4714 of 2006 titled as "*State of Haryana and others vs Hem Lata Gupta and others*" (Annexure R-2) has laid down that the employees of Government of Haryana can take the benefit of revision of pay scales, advance increments, etc., in terms of the policy decisions taken by the Government of undivided Punjab and instructions issued by it will be made applicable w.e.f. 01.12.1967. The Hon'ble Supreme Court has further clarified that the petitioners who came in service after 01.12.1967, could not claim the higher pay scales on the basis of composite Punjab notification dated 23.07.1957 (Annexure P-1).

The petitioners in the present case are bound by the revision of pay scale of teachers vide letter No.152-I-E-ED-II/68/540 dated 05.01.1968 w.e.f. 01.12.1967.

So, keeping in view the above facts and circumstances and as per the judgment of Hon'ble Supreme Court in Civil Appeal

No.4714 of 2006 titled as “*State of Haryana and others vs Hem Lata Gupta and others*” (Annexure R-2), there is no merit in the present writ petitions.

Dismissed.

(RITU BAHRI)
JUDGE

06.01.2016

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