

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

**CWP No.8386 of 1995
Date of decision:14.7.2016**

Ramesh Chander

... Petitioner

Versus

State of Haryana & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ranjit Saini, Advocate,
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

The factual instance relied upon by the petitioner to promote his case i.e. the case of Vidya Sagar, JBT Teacher regarding award of running grade from the date of appointment to service as an untrained teacher has been rejected by the Government of Haryana vide Memo No.3/13/94 Edu. IV (I) dated 28.8.1997. Government have declined to give benefit of running pay scales as claimed by untrained teachers. Further still, it is the stand of the State that the essential requisite qualifications required for the post of JBT teacher is Matriculation with Diploma in Education i.e. JBT/D.Ed., whereas the petitioner was only a matriculate at the time of initial appointment in Joint Punjab on December 14, 1953. Therefore, being an untrained teacher he was appointed on fixed pay of Rs.40/- plus usual allowances at that time.

With the reorganization of States in 1966, the petitioner was allocated to

the State of Haryana at his option. Even in the Punjab Government Instructions dated July 23, 1957 it was categorically mentioned under Category IV that an untrained teacher remains on initial scale/fixed pay unless he acquires the requisite prescribed qualification for the post specified in the rules of service.

Learned State counsel points out that the relief granted by the Punjab Government in the instance cited by the petitioner to claim parity of treatment was based on instructions dated June 8, 1986, which instructions are applicable only to trained teachers. I fail to see any discrimination practiced by the respondents which is invidious and hostile. Qualifications are reasonable classification in the matter of prescription of pay scales. Pay is according to rule and not fixed by ratiocination or forensic reasoning.

In these circumstances, running grade claimed by the petitioner cannot be allowed as a matter of right as he was untrained matriculate placed on the teaching side by Punjab policy of yesteryears which once may have held good for upward mobility of ministerial staff. Therefore, no ground is made for interference by writ of certiorari or mandamus. There is no merit in the petition which is accordingly dismissed.

(RAJIV NARAIN RAINA)
JUDGE

14.7.2016
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