

CWP No.13220 of 2011 (O&M)

#1# Manoj Kumar
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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.13220 of 2011 (O&M)

Date of decision: 08.11.2016

Jasbir Singh Arneja

....Petitioner

Vs.

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. H.S. Thiara, Advocate for the petitioner.

Mr. Harkesh Manuja, Addl.A.G, Punjab for
respondent Nos.1 & 2.

Mr. Amit Arora, Advocate for respondent No.3.

Mr. Ashok Kumar Sharma, Advocate for
Mr. S.K. Sharma, Advocate for respondent No.4.

Mr. P.S. Khurana, Advocate for respondent No.5.

Jaswant Singh, J

Petitioner, who retired as Lecturer in the Department of Economics at Khalsa College, Amritsar, has invoked the jurisdiction of this Court for issuance of directions to the respondents to release him the benefit of three advance increments and quash the circular dated 22.7.1988 (P.1) and the Notification dated 12.1.1988 (P.2) whereby the claim is being denied.

Learned counsel for the petitioner contends that the claim of the petitioner is squarely covered on the basis of a judgment of this Court rendered in CWP No.3550 of 1998 titled Mahender Singh and Ors Vs. State of Punjab, decided on 18.12.2009 (P.6).

On the other hand, it is submitted by learned counsel for the respondents that the claim of the petitioner is highly belated as

he retired from service on 31.5.2003 and the present writ petition is filed on 23.7.2011. It is also submitted that although the Ph.D Degree of the petitioner is found to be genuine but the same was obtained in the year 1984 and, thus he cannot claim any benefit on the basis of Instructions dated 22.7.1988 (P.1).

Heard learned counsel for the parties and perused the paper book with their able assistance.

The controversy for the entitlement of advance increments on the basis of Ph.D Degree acquired prior to 01.01.1986 to the Lecturers in College Cadre is no longer *res integra*; rather the writ petition bearing CWP No.3550 of 1998 (P.6) (*supra*) pertains to the Khalsa College, Amritsar itself, from where the petitioner has retired on superannuation wherein this Court, after relying upon a Division Bench judgment of this Court passed in LPA No.38 of 2008 titled State of Haryana Vs. Nirmala Mittal, decided on 17.3.2008, has held as under:

"The impugned part of the scheme denying the three/one increments respectively to the petitioner having qualifications of Ph.D/M.Phil is quashed. Consequently, the petitioners are held entitled to grant of advance increments depending upon the degree acquired by them. Petitioners shall be entitled to release of advance increments, from the date of their acquiring the qualification. The respondents are directed to grant three advance increments to the petitioners who have acquired Ph.D degree and one advance increment to those who have acquired M.Phil degree."

In view of the aforesaid, present writ petition is allowed

and the respondents are directed to consider the claim of the petitioner in the light of the judgment passed in CWP No.3550 of 1998 titled Mahender Singh and Ors Vs. State of Punjab, decided on 18.12.2009 (P.6) and take a final decision within a period of four months from the receipt of certified copy of this order. The arrears upon revised benefits can be restricted to 38 months prior to filing of the present writ petition due to delay in approaching the Court by the petitioner.

November 08, 2016
manoj

(JASWANT SINGH)
JUDGE