

The undisputed facts are that the petitioner joined as Lecturer-Geography (College Cadre) in the Department of Higher Education of Punjab Government on 6.1.1983 on adhoc basis. Later on, his services were regularized on 10.2.1988 upon the recommendation made by the Punjab Public Service Commission. Needless to say that on account of decision of this Court in CWP No. 3322 of 2011, titled as Jatinderjit Singh Versus State of Punjab and others, (decided on 9.10.2012) (Annexure-P-11), the adhoc service rendered by the petitioner was counted towards the grant of service benefits. It also comes out that as per letter dated 27.7.1998 (Annexure-P-

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6), issued by the Ministry of Human Resource Development, Department of Education, New Delhi, the report of 5th Central Pay Commission was implemented qua the petitioner. It was prescribed in the said letter that the eligibility to move into the grade of Lecturer (Senior Scale) would be four years for those with Ph.D., five years for those with M.Phil. and six years for others as a Lecturer.

Admittedly, the petitioner was an M.Phil. and was entitled to senior scale after completion of 5 years of service. Such senior scale was granted to him with effect from 13.1.1990. The Ministry of Human Resource Development, Department of Education, New Delhi, then further issued instructions dated 6.11.1998 (Annexure-P-7), vide which it was clarified that the revised pay scales will be applicable with effect from 1.1.1996. It was further stipulated that the selection grade shall be granted uniformly after five years of service as Lecturer in the senior scale. In this way, the petitioner completed five years' service in the senior scale on 13.1.1995.

The respondents, vide impugned order dated 8.9.2011 (Annexure-P-10), while stating that the senior scale was granted with effect from 13.1.1990, awarded the selection grade with effect from 13.1.1998. In the impugned order dated 8.9.2011 (Annexure-P-10), no reason has been given why the same was awarded after eight years of service and not after five years of service, in view of the instructions dated 6.11.1998 (Annexure-P-7), as referred above. Even in the written statement, no justification was given.

As the petitioner was entitled to the selection grade after five years of service in the senior scale, therefore, he is entitled to the senior

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scale with effect from 13.1.1995 when he completed five years of service in the senior scale. Since the revised pay scales were granted with effect from 1.1.1996 on account of implementation of recommendations of the 5th Central Pay Commission, therefore, the petitioner will be entitled to the selection grade with effect from 1.1.1996, when the letter dated 20.2.1999/10.3.1999, was issued by the Government of Punjab, accepting the recommendations of University Grants Commission.

In view of the matter, the present writ petition is allowed. The respondents are directed to grant the selection grade to the petitioner with effect from 1.1.1996 and accordingly re-fix the pay and pensionary benefits of the petitioner and release the same to him with interest at the rate of 9% per annum from the date it became due.

(KULDIP SINGH)
JUDGE

5.8.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : Yes