

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

LPA No.1010 of 2015 (O&M)

Date of Decision: 01.08.2016

The State of Punjab and others

..... Appellants

Versus

Himmat Singh and others

..... Respondents

**CORAM: HONBLE MR. JUSTICE SURYA KANT
HONBLE MR. JUSTICE SUDIP AHLUWALIA**

1. Whether speaking/reasoned? Yes/No
2. Whether reportable? Yes/No
3. Whether Reporters of local papers may be allowed to see the judgment?
4. To be referred to the Reporters or not?
5. Whether the judgment should be reported in the Digest?

Present: Mr. Rajesh Bhardwaj, Addl. A.G., Punjab.

Mr. P.K. Goklaney, Advocate,
for the respondents.

SURYA KANT J. (ORAL)

1. This Letters Patent Appeal is directed by State of Punjab against the order dated 30.03.2012 whereby learned Single Judge allowed the writ petition of private respondents on the joint statements of counsel for the parties, to the effect that the claim in the writ petition was squarely covered by the previous decision of this Court in "Rajinder Pal Gautam and others Vs. State of Punjab and others" in CWP No.10759 of 1990 decided on 30.05.2008.

2. The State of Punjab filed a review application but that has been dismissed on the ground of delay. Both these orders are under challenge in this intra-court appeal.

3. The issue which arose for consideration of learned Single Judge was whether or not the respondent-writ petitioners are entitled to pay-scale in category-VI as they are having qualification of Matriculation and three-years Diploma in Polytechnic?

4. On the other hand, the case of the authorities is that since the Polytechnic Diploma obtained by the respondents through correspondence from Institute of Advanced Studies in Education Deemed University Gandhi Vidya Mandir, Sardarsahar, Rajasthan is not a recognized or valid Diploma Course, they are not entitled to the above stated pay-scale. It may be mentioned here that besides the Polytechnic diploma, the respondents have done ITI Certificate Course also.

5. Since the afore-stated aspect of the matter, namely, whether the Polytechnic Diploma obtained by the respondents is recognized or not, has not been gone into by the learned Single Judge, we allow this appeal in part; set aside the impugned orders and remit the case to the learned Single Judge for afresh adjudication.

6. The parties are directed to appear before the learned Single Judge as per roster on 21.11.2016.

(SURYA KANT)
JUDGE

01.08.2016

Bhumika

(SUDIP AHLUWALIA)
JUDGE