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

**RSA No.5684 of 2015 (O&M)
Date of decision: February 08, 2016**

The DAV College Managing Committee
and another

.....Appellants

Versus

Mrs. Anita Vashisht

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. R.S. Cheema, Advocate
for the appellants.

SABINA, J

Respondent had filed suit for declaration that she was entitled for grant of first Assured Career Progression (ACP) scale on completion of 10/12 years of regular service and was entitled for grant of Trained Graduate Teacher (TGT) pay scale.

The case of the plaintiff-respondent, in brief, was that she was working with the defendant as a Librarian w.e.f. 22.07.1995. Respondent had completed her probation period and her services were regularised w.e.f. 01.04.1997. Under the Rules, respondent was entitled to receive first ACP grade on completion of 12 years of service and was also entitled for TGT pay scale.

Appellants-defendants in their written statement admitted that the respondent had joined as a Librarian on 22.07.1995. However, the case of the appellants-defendants

was that for want of adequate qualification, i.e. Degree in Library Science and degree of Bachelor of Arts, respondent was not entitled for benefit claimed by her.

On the pleadings of the parties, following issues were framed by the trial Court:-

- “1. Whether the plaintiff is entitled for a decree of declaration with a consequential relief of injunction on the grounds as prayed for?OPP
2. Whether the suit of the plaintiff is not maintainable in the present form?OPD
3. Whether the plaintiff has no cause of action and locus standi to file the present suit?OPD
4. Whether the plaintiff has not come with the clean hands before the court and has suppressed the material facts from the court?OPD
5. Whether the suit is bad for non-joinder of necessary party?OPD
6. Relief.”

Parties led their evidence in support of their respective pleas.

Trial Court vide judgment/decreed dated 21.11.2013 partly decreed the suit of the respondent and held that she was entitled for ACP scale in accordance with the same scale she was currently getting and the relief claimed by the respondent qua grant of TGT scale, was declined. Aggrieved against the said judgment/decreed, appellants preferred an appeal and the same was dismissed by the First Appellate Court vide judgment/decreed dated 20.07.2015. Hence, the present appeal by the appellants.

I have heard learned counsel for the appellants and have gone through the record available on the file carefully.

Admittedly, the respondent joined as a Librarian with the appellants w.e.f. 22.07.1995 and her services were regularised w.e.f. 01.04.1997. Respondent in her application form had submitted that she was having Senior Secondary certificate examination in Library Science and after considering her qualification, she was regularised as a Librarian w.e.f. 01.04.1997. Since the respondent had completed 12 years of regular service as a Librarian, she was entitled for first ACP scale because as per Rules, every employee who had worked for 12 years was entitled for the said scale. The Courts below rightly held that since the respondent had been regularised as a Librarian, she could not be denied the benefit of ACP grade on the ground that she was not having the requisite qualification for the post of Librarian. The Courts below had rightly held that the respondent was entitled for ACP scale in accordance with the same scale she was getting currently.

No substantial question of law arises in this case warranting interference by this Court.

Dismissed.

**(SABINA)
JUDGE**

February 08, 2016
mahavir