

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.10957 of 1991

Date of Decision:-07.03.2017.

Munni Devi and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. C.M. Chopra, Advocate for the petitioners.

Ms. Shruti Jain Goyal, AAG, Haryana.

P.B. BAJANTHRI, J. (Oral)

1.) In the instant writ petition, petitioners have sought for a direction to the respondents to grant them pay scale on par with the Language Teachers and also for release of consequential benefits including arrears of pay along with interest @ 12% per annum.

2.) Learned counsel for the petitioner submitted that petitioners are in the cadre of Drawing Teachers. Drawing, Sanskrit, Hindi and Punjabi Teachers were drawing common pay scale from 1957 to 4.5.1968. On 4.5.1968, the respondents-State enhanced the pay scale of the Sanskrit Teachers, whereas, the Drawing Teachers and other than Sanskrit Teachers were drawing common pay scale upto 1.5.1990. In the year 1990, it is learnt that Language Teachers approached the Government stating that they are also entitled for the scale on par with the Sanskrit Teachers. Since the same

was not considered by the Government, they approached this Court. This Court directed the respondents to consider their grievance on par with the Sanskrit Teachers. Thus, there was pay anomaly between the Hindi and Punjabi Teachers and pay scale was extended on par with Sanskrit Teachers w.e.f. 1.5.1990. Whereas Drawing Teachers' pay scale was not extended on par with the Sanskrit or Language Teachers.

3.) Learned counsel for the petitioners further submitted that pursuant to the Kothari Pay Commission, the State respondents implemented only in respect of Sanskrit Teachers. Thus, there was a discrimination among the Language Teachers and Drawing Teachers insofar as extending pay scale from 1.5.1990 onwards. Hence, their request is for extending pay scale of Drawing Teachers on par with Language Teachers. In this regard, they have submitted representation vide Anneuxre P-8 in the month of October, 1990. The respondents have not considered the representation even to this day.

4.) Per contra learned counsel for the respondents submitted that it is true that pay scale of Language Teachers and Drawing Teachers was common upto 4.5.1968 and, thereafter, the Sanskrit Teachers' pay was higher than the Drawing, Punjabi and Hindi Teachers w.e.f. 4.5.1968. Further Language Teachers' pay was enhanced on par with the Sanskrit Teachers w.e.f. 1.5.1990. The Language Teachers form a class so also Drawing Teachers form a class. There is a class difference between Language Teachers and the Drawing teachers. Even nature of duties and responsibilities read with the qualification is difference. Therefore, pay scale extending to a particular post is a policy decision. The same cannot be

as to interfere with the relief sought by them.

5.) Heard learned counsel for the parties.

6.) Short question for consideration in the present petition is whether the petitioners who are Drawing Teachers are entitled for pay scale on par with language teachers or not. Admittedly, from 1957 till 1.5.1990, pay scale of the Teachers irrespective of language or Drawing common scales were prescribed. In the year 1990, the State Government have taken a decision that the Hindi and Punjabi Teachers are entitled for higher pay on par with the Sanskrit Teacher having regard to the qualification prescribed for the post of Language Teachers. Whereas, the Drawing Teachers qualification is lesser than the Language Teachers. Therefore, there is a discrimination in the pay scale. The petitioners have submitted representation in the month of October, 1990 when they came to know that there is a difference of pay scale between the Language Teachers and the Drawing Teachers. Till date the respondents have not taken any action on their representation. Whenever an employee makes a representation, it is bounden duty of the competent authority to take necessary action on the representation even though whether he/she is entitled for the relief or not. The respondents or competent authority cannot sleep over the representation submitted by an employee. Therefore, the respondents are directed to consider the representation of the petitioners submitted in the month of October, 1990 vide Annexure P-8 insofar as extending the benefit of higher pay scale on par with the Language Teachers since the pay scale from 1957 to 1.5.1990 both the Drawing Teachers as well as Language Teachers (Hindi and Punjabi) were drawing the same pay scale. It is also evident that

pay scale on par with the Sanskrit Teacher. Consequently, the respondents have extended the pay scale on par with the Sanskrit Teachers to Hindi and Punjabi Teachers. At far time of enhancing pay scale of Hindi and Punjabi Teachers no decision was taken as to why the Drawing Teachers are not entitled to pay scale on par with Language Teachers when the pay scale of Teachers were common upto 1990. Now the petitioners-Drawing Teachers have submitted their representation and the respondents are sleeping over the matter. In view of these facts and circumstances, the concerned respondents are directed to take decision on the petitioners' representation within a period of three months from today and such decision shall be communicated to the petitioners at the earliest.

7.) Petition stands allowed.

8.) At this stage, learned counsel for the petitioners submitted that petitioners intend to place some more material in support of their grievance. If such materials are placed before the competent authority within a period of four weeks, the same shall also be considered while considering petitioners' representation (Annexure P-8).

(P.B. BAJANTHRI)
JUDGE

March 07, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.