

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.2318 of 1990(O&M)

Date of Decision: 6.02.2017

State of Haryana & anr.

... Appellants

Versus

Dhanpat Singh

... Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Indresh Goel, Addl.A.G., Haryana.
for the appellants.

Ms. Sonia G Singh, Advocate,
for the respondent.

RAJIV NARAIN RAINA, J.(Oral)

Both the Courts below are concurrent against the State on the applicability of the circular dated 23.7.1957 issued by the Government of Joint Punjab in the pre-reorganization era and applicable to the State of Haryana due to savings in the Punjab Reorganization Act, 1966. The suit was instituted in 1989 claiming incentive of higher pay scale for acquiring higher qualifications during service. In this case as well, the plaintiff/respondent acquired higher qualification while in service and therefore, the employee was entitled to the benefit from the department of the Haryana Government where he served. The issue stands settled respecting Haryana with the decision of the Supreme Court pronounced in State of Haryana v. Kamal Singh Saharwat & ors., (1999) 8 Supreme Court Cases 44 and numerous decisions including the dictum in Wazir Singh v. State of Haryana, AIR 1996 Supreme Court 889 holding that all those employees in the education department who acquired higher qualifications in Haryana as per the Circular dated 23.7.1957 prior to 9.3.1990 would have a right to the benefit of grant of

higher pay scale from the date of possessing a qualification higher than when the joined service.

In view of the above, the State's appeal against the sound judgments and decrees of the Courts *a quo* has no merit at all what to speak of a substantial question of law arising therefrom and accordingly the same is ordered hereby to stand dismissed.

6.02.2017
monika

(RAJIV NARAIN RAINA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>