

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

CWP No.24087 of 2012 (O&M)

Date of decision:09.10.2017

Bimla Singla

... Petitioner

Vs.

State of Punjab & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. A.K. Walia, Advocate for the petitioner.

Mr. Avinit Avasthi, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

Counsel for the parties have been heard at length and pleadings on record have been perused.

Brief facts which are not in dispute are that the petitioner was initially appointed as Lecturer in Economics on 22.08.1979 on ad hoc basis at Shaheed Udham Singh Government College, Sunam. Such appointment was in pursuance to a regular selection process having been followed. After joining service, petitioner acquired the qualification of M.Phil. in July, 1988. Services of the petitioner along with others were regularized w.e.f. 05.10.1995. Benefit of regularization was accorded in pursuance to the deliberations of a Screening Committee constituted at the State level by the Punjab Government.

The University Grants Commission circulated a letter dated 25.12.1998 (Annexure P-2) and which envisaged the counting of ad hoc service rendered by a Lecturer by placement in the Senior Scale/Selection

Grade subject to certain conditions i.e.;

- (i) The ad hoc service to be in excess of one year;
- (ii) The incumbent should have been appointed on the recommendations of a duly constituted Committee;
- (iii) The appointment on ad hoc basis should have been against a permanent post.

The first respondent i.e. the Department of Higher Education, State of Punjab adopted the decision of the UGC contained in letter dated 25.12.1998 (Annexure P-2) on 05.12.2006 (Annexure P-3).

On 05.09.2011, the petitioner was granted Senior Scale/ Selection Grade w.e.f. 06.10.1995 and 06.10.2000 respectively (Annexure P-4).

The instant writ petition was instituted in the year 2012 praying for the issuance of a writ of mandamus directing the respondent/authorities to modify the order dated 05.09.2011 (Annexure P-4) and to grant to the petitioner the Senior Scale/Selection Grade pertaining to college Lecturers by counting her entire period of service rendered on ad hoc basis.

In the reply filed on behalf of respondents No.1 and 2 and followed by an additional affidavit dated 02.05.2017 of the Joint Director O/o Director, Public Instructions (Colleges), Punjab, a stand has been taken that the entire ad hoc service of the petitioner has been counted for the grant of Senior Scale/Selection Grade and such benefits have now been granted w.e.f. 01.09.1987 and 01.09.1994 respectively. Consequently, pay of the petitioner has been refixed at Rs.61,060/- by the Principal, Government College for Women, Patiala vide order dated 07.01.2017.

In the light of such categorical stand taken, principal relief sought by the petitioner stands granted.

The writ petition is disposed of as infructuous.

It is directed that the entire financial benefits accruing on the basis of grant of Senior Scale w.e.f. 01.09.1987 and Selection Grade w.e.f. 01.09.1994 be released to the petitioner forthwith, if not already released. Since, the petitioner is stated to have already superannuated w.e.f. 29.02.2012 even the consequential revised pensionary benefits be released to the petitioner without any further delay.

At this stage, counsel representing the petitioner makes a statement that for no fault of the petitioner, the requisite benefits of Senior Scale/Selection grade had been denied to the petitioner and it is only upon the matter having been agitated in terms of filing the instant petition that the financial benefits have been released.

Counsel submits that under such circumstances, petitioner is also entitled to interest thereupon.

The submission raised by counsel is well founded.

The decision of the University Grants Commission contained in the letter dated 25.12.1998 was adopted by the respondent/department on 05.12.2006. It is only after filing of the instant petition that an order dated 12.09.2014 (Annexure R-T-I) was issued by the Director, Public Instructions (Colleges), Punjab granting the petitioner Senior Scale as also Selection Grade by counting and taking into reckoning her entire ad hoc service rendered prior to regularization. Even under this order dated 12.09.2014, pay of the petitioner had not been fixed at the correct stage and which has been done subsequently vide order dated 07.01.2017 passed by

the Principal, Government College for Women, Patiala.

Under such circumstances, petitioner is also held entitled to the interest @ of 6% per annum from the date of filing of the instant writ petition till the release of the requisite financial benefits.

Disposed of in the aforesaid terms.

09.10.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

(i) Whether speaking/reasoned? Yes/No

(ii) Whether Reportable? Yes/No