

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

**CWP No.1973 of 2016 (O&M).**

Date of Decision: 30.01.2018.

Nishant Kumar and another

... Petitioners

Versus

State of Punjab and others

... Respondents

**CORAM : Hon'ble Mr. Justice Jitendra Chauhan**

Present : Mr. Sameer Sachdeva, Advocate,  
for the petitioners.

Ms. Sudeepti Sharma, Addl. AG, Punjab.

**JITENDRA CHAUHAN.J.**

This civil writ petition has been filed under Articles 226 and 227 of the Constitution of India for setting aside the order dated 31.10.2013 (Annexure P-12) passed by respondent No.3 whereby the petitioners have been denied the payment of arrears of revised pay scale with effect from 01.01.2006 to 31.07.2009.

It is contended that petitioner No.1 has been continuously working as part time Lecturer with the respondents from 2001 till date whereas, the petitioner No.2 had worked from 2000 to 27.02.2011. It is further contended that despite the fact that the petitioners have been granted revised pay scale with effect from 01.08.2009, Annexure R-1, at par with regular Lecturers, they are being denied the arrears of revised pay scale with effect from 01.01.2006 till 31.07.2009. It is informed that earlier also, the petitioners approached

Hon'ble the Supreme Court for grant of benefit of revised pay scales with effect from 01.01.1996 and Hon'ble the Apex Court vide judgment Annexure P-1, directed the respondents to pay the minimum of the pay scale to the Lecturers with effect from 01.01.1996 and thereafter the amount was released to the petitioners.

Again, the petitioners had to approach this Court by way of CWP No.18264 of 2013 in which directions were issued to the respondents to take a decision on the claim of the petitioners within a period of three month. However, no decision was taken by the respondents. Thereafter, the petitioners filed COCP No.53 of 2014 wherein they came to know that order dated 31.10.2013 has been passed rejecting their claim. It is contended that the impugned order dated 31.10.2013 (Annexure P-12) is illegal and in contravention of the order passed by Hon'ble the Supreme Court.

On the other hand, the learned State counsel submits that the petitioners were appointed on ad-hoc basis as part time Lecturer. The petitioners were never appointed against regular grade. It is further submitted that the State of Punjab vide notification dated 19.10.2010, Annexure R-1, has decided that pay of the part time Lecturers would be fixed at Rs.15600+6000= Rs.21,600/- per month with effect from 01.08.2009. Apart from the fixed salary, they shall not be entitled to any other benefit. Therefore, the petitioners are not entitled to any arrears of pay scales.

I have heard the learned counsel for the parties and

have gone through the case.

The issue whether the petitioners be paid minimum pay scale or not was raised and decided in the earlier round of litigation in C.A. N.8745 of 2003 decided by Hon'ble the Apex Court on 07.11.2003, Annexure P-1. The observation recorded in the order is reproduced as under:-

*“We have carefully looked into the judgment of the High Court and other pleadings that have been put forth before this Court. It is clear that though the appellants may not be entitled to regular appointment as such it cannot be said that they will not be entitled to the minimum of the pay scale nor they should not be continued till regular incumbents are appointed. The course adopted by the High Court is to displace one ad hoc arrangement by another ad hoc arrangement which is not at all appropriate for these persons and have gained experience which will be more beneficial and useful to the colleges concerned rather than to appoint persons afresh on ad hoc basis. Therefore, we set aside the orders made by the High Court to the extent the same deny the claim of the appellants of minimum pay scale and continuation in service till regular incumbents are appointed. We direct that they shall be continued in service till regular appointments are made on minimum of the pay scale. The appeals shall stand allowed in part accordingly.”*

This Court is of the opinion that once the issue in question stands settled by Hon'ble the Supreme Court vide order

Annexure P-1, the respondent/State ought to have extended the benefit of the same to the petitioners from 01.01.2006 when the pay scales of all the Lecturers were revised.

In view of above, the present writ petition is allowed.

The order dated 31.10.2013 passed by respondent No.3 (Annexure P-12) is set aside. The respondents are directed to release the arrears of revised pay scale to the petitioners with effect from 01.01.2006 to 31.07.2009.

30.01.2018.  
SN

**(JITENDRA CHAUHAN)**  
**JUDGE**

**Whether speaking/reasoned :      Yes/No**  
**Whether reportable :                Yes/No**