

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

-.-

RSA 1308 of 2000 (O&M)

Date of decision: 03.09.2019

Balkaur Singh

.....Appellant

Versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. M S Balianwali, Advocate
for the appellant

Ms Ambika Luthra, Sr. DAG, Punjab

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Rekha Mittal, J. (Oral)

Challenge in the present appeal has been directed against judgment and decree dated 03.12.1999 passed by the Additional District Judge, Mansa whereby appeal filed by the defendants against judgment and decree dated 08.05.1997 passed by the Civil Judge (Senior Division), Mansa (hereinafter referred to as 'the trial Court') was accepted, judgment and decree of the trial Court was set aside and suit filed by the appellant/plaintiff was dismissed.

Counsel for the appellant, at the very outset, would inform that he confines his claim only in respect of grant of J.S.T. Grade of Rs.110-250 with effect from 12.12.1959, consequential pay fixation, arrears of salary on the basis thereof and fixation of pensionary benefits along with interest.

The case set up by the appellant/plaintiff is that he retired as

Social Studies Master on 30.04.1994 on attaining the age of superannuation after rendering service of more than 34 years. He is drawing pension under PPO No. 84188/PB from Mansa Treasury. He passed F.A. Examination in 1956 and was appointed as J.B.T. Teacher on 12.12.1959. At that time, he was fully eligible for J.S.T. Grade but was given Grade of Rs.80-250. Action of the defendants is discriminatory. He is entitled to J.S.T. Grade of Rs.110-250 with effect from 12.12.1959 with time-to-time change in the said Grade.

The defendants filed the written statement and admitted that the plaintiff retired from service as Social Studies Master from Khiala Kalan school on 30.04.1994. However, they denied that the plaintiff was entitled to J.S.T. Grade of Rs.110-250 with effect from 12.12.1959, as claimed. It is submitted that as per circular No.5058-FR(2)-57/5600 dated 23.07.1957, all the teachers are to be given Grades according to their qualifications. The plaintiff falls in category 'B' Grade II being F.A. JBT at the time of his appointment and he is entitled to Grade of Rs.80-5-110/8-180/10-250 and not to the grade which has been awarded to teachers falling in the category of 'A' having qualification of B.A./B.Sc./B.Com./B.Sc.(agriculture) and BT/Diploma in Physical Education/Diploma in Senior Basic Training. All other materials averment of the plaint were denied with prayer for dismissal of the suit.

Having heard counsel for the parties in the light of materials on record, the trial Court decreed the suit but the appeal preferred by the defendants/respondents was accepted.

Perusal of judgment of the first appellate Court would reveal that the Court, on a detailed consideration of notification dated 23.07.1957

Ex.DW1/A categorizing the teachers in category 'A' and 'B', has concluded that the plaintiff/appellant cannot claim J.S.T. Grade available to teachers falling in category 'A' and, as such, his claim was rejected.

Counsel for the appellant has failed to advance any meaningful arguments or raise any legal contention in order to show that findings recorded by the Court in appeal suffer from any factual illegality or jurisdictional error when examined in the light of the judgment of Hon'ble the Supreme Court ***Punjab Higher Qualified Teachers Union (Non-petitioners) and others vs State of Punjab and others*** along with connected cases cited as ***1988(2) SCC 407***. In this view of the matter, I do not find an error much less illegality in the impugned judgment warranting intervention.

For the foregoing reasons, the appeal fails and is accordingly dismissed, leaving the parties to bear their own costs.

(Rekha Mittal)
Judge

03.09.2019

Mohan Bimbura

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