

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

**CWP No. 8163 of 2014.
Date of Decision: 02.04.2019**

Surinder Kaur

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present:- Mr. K.S. Dadwal, Advocate,
for the petitioner.

Ms. Kanica Sachdeva, AAG Punjab.

JITENDRA CHAUHAN J.

The petitioner seeks quashing of communication dated 24.03.2014 (Annexure P-9) issued by respondent No.2 vide which the petitioner has been given the lower pay scale.

After the name of the petitioner was sent by the Employment Exchange, she was appointed as Tailoring/Craft Teacher in the pay scale of Rs.480-880 vide appointment letter dated 29.06.1987 (Annexure P-1). However, subsequently, respondent No.2 came to learn that in view of her three years training course, she was entitled to the pay scale of Rs.570-1080 plus three advance increments. Resultantly, she was granted pay scale of Rs.570-1080 vide letter dated 20.10.1997 (Annexure P-2). Vide subsequent order dated 07.06.2001, the scale of Rs.570-1080 was ordered to be withdrawn and the petitioner was again put in the scale of Rs.480-880 with effect from 14.10.1987. The petitioner challenged the said order by way of filing

CWP No.8793 of 2001 wherein the order dated 07.06.2001 was

quashed vide judgment dated 04.07.2001. However, the respondents were given liberty to proceed in accordance with law. Thereafter, the petitioner was issued a show cause notice as to why the scale of Rs.570-1080 may not be withdrawn from her. Vide order dated 22.07.2003 (Annexure P-4) scale of Rs.570-1080 was withdrawn from the petitioner. The order dated 22.07.2003 (Annexure P-4) was challenged by the petitioner by way of CWP No.12820 of 2003. The writ petition was disposed of in terms of judgment dated 19.09.2011 (Annexure P-5) passed in **Balbir Singh and others vs. State of Punjab and others**. Thereafter, the petitioner filed COCP No. 1349 of 2012 and during the pendency of the petition, the respondents passed order dated 23.07.2012 (Annexure P-6) wherein it has been mentioned that Sewing Teachers are entitled to the pay scale of Rs.1410-2640 which is corresponding to un-revised pay scale of Rs.480-880, therefore, the petitioner was held entitled to the pay scale of Rs.480-880 instead of Rs.570-1080 along with three advance increments vide order dated 23.07.2012 (Annexure P-6). As the judgment rendered in **Balbir Singh's case (supra)** was set aside by a Division Bench of this Court on 14.08.2012, the contempt petition was also dismissed vide order dated 08.02.2013 (Annexure P-7). Vide order dated 16.12.2013 (Annexure P-8), the petitioner was granted scale of Rs.480-880 plus three advance increments instead of the scale of Rs.570-1080. Again, another contradictory letter dated 24.03.2014 (Annexure P-9) was issued wherein it has been mentioned that the petitioner is not to be

given the pay scale of Rs.480-880 with three advance increments because she has been given the pay scale of Rs.570-1080 with three advance increments. Therefore, this scale has also not been approved to her and she has been given pay scale of Rs.1200-2100 which is revised pay scale of Rs.480-880.

It is further contended that the letter (Annexure P-9) is in contradiction of order dated 23.07.2012 (Annexure P-6) and order dated 16.12.2013 (Annexure P-8).

In the written statement, it has been pleaded that the petitioner had been inadvertently given pay scale of Rs.570-1080 plus three advance increments from the date of her initial appointment vide order dated 20.10.1997 (Annexure P-2). When the said error came to the notice of the authorities, the pay scale of Rs.570-1080 was ordered to be withdrawn from the petitioner. Vide order dated 24.03.2014 (Annexure P-9) the pay scale of Rs.480-880 has been restored to the petitioner but she was held not entitled to advance pay increments.

Heard.

A perusal of the case file shows that vide order dated 24.03.2014 (Annexure P-9), the petitioner was given the pay scale of Rs.480-880 however, the benefit of three advance increments was not withdrawn from her. However, vide order dated 16.12.2013 (Annexure P-8) and order dated 23.07.2012 (Annexure P-6), the petitioner was granted pay scale of Rs.480-880 along with three advance increments and the corresponding university pay scale of Rs.1410-2640/-. This

benefit stands withdrawn from the petitioner without assigning any reason whatsoever.

Consequently, the present civil writ petition is allowed. The impugned order dated 24.03.2014 (Annexure P-9) is set aside. The petitioner is held entitled to pay scale of Rs.1410-2640 which is the corresponding university pay scale of Rs.480-880 along with three advance increments as reflected in notification dated 11.02.1988. The necessary exercise be completed within a period of two months from the date of receipt of certified copy of the judgment.

02.04.2019.

SN

(JITENDRA CHAUHAN)
JUDGE

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