

**235-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-9482-2021

Date of decision: 09.02.2022

Jaswant Singh Arora

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Pawan Kumar Mutneja, Senior Advocate with
Mr. Viranjeet Singh Mahal, Advocate
for the petitioner.

Ms. Simran Grewal, AAG, Punjab
for the official respondents-State.

FATEH DEEP SINGH, J.

Petitioner-Jaswant Singh Arora, a senior citizen, aged around 93 years, claims that he joined the services of the respondent as Lecturer in College Cadre which fell under Punjab Education Services, Class-III (denoted as PES-3) with the pay scale of Rs.200-500 on 23.04.1995 at Muktsar. It is also the stand of the petitioner which is not displaced that he retired from Government College, Sector 11, Chandigarh on 31.01.1886. The primary grouse of the petitioner is based on the incitement claimed

by him to have come from his colleague-Brijinder Singh Sidhu who has also filed CWP-15010-2018 titled as 'Brijinder Singh Sidhu versus State of Punjab and another' and claims that pay scale of Rs.700-1100 for Senior Lecturers PES-II prior to revision of pay scales with effect from 01.01.1973 is equivalent to pay scales of Selection Grade Lecturers that is of Rs.1,200-1,840 with effect from 10.10.1983 and has sought to seek parity with the cases of Senior Lecturers in the scale of Rs.700-100 scale of his erstwhile colleagues Sh. Navin Chand Thakur and Smt. G.R. Satija and has sought to challenge the *pro rata* cut 61/66 imposed on his pension in terms of letter dated 17.08.2009 and 22.02.2010 to be unlawful, illegal and, thus, sought the relief of seeking directions to the respondents to re-fix his pension as Associate Professor in the pay band of Rs.37,400-67,000+AGP Rs.9,000/- @ Rs.23,200/- as per the revised pay scales w.e.f. 01.01.2006.

The respondents in their response has set up the plea that the claim of the petitioner for fixation of pension in pay band of Rs.37,400-67,000+9,000 is not maintainable as such a grade is admissible only to those Lecturers who have put in 03 years or more service in the Selection Grade of Rs.12,000-18,300 and have sought reliance on notification dated 02.09.2009 (Annexure P-8). It

is the stand of the respondent that the petitioner has rendered only 02 years 03 months and 08 days of service in the Selection Grade of Rs.12,000-18,300 and, therefore, not entitled to revised grade of 15,600-39,100+AGP of Rs.8,000 for which reliance has sought to be placed on Annexure P-8. It is even the own case of the petitioner as per his document Annexure P-1 which ensures that the authorities clearly held so that since the period of Selection Grade of the petitioner fall short of prescribed period of 03 years as per Table 4 annexed with letter No.10/3/09-3 Edu 1 3321 dated 02.09.2009 which is mandatory for fixation of pay and the pension in the revised scale and which the petitioner does not qualify.

Upon hearing, the factual scenario is not at all a matter that has been put to question in the submission of the counsel for the two sides. The very notification of the Government provides for the scale of pay grades in the Higher Education Department of the respondent-Department under which pay scales of different categories of teachers with designations have been provided for.

To the specific query of this Court, it is the own stand of the petitioner that he worked in the Selection Grade of Rs.12,000-18,300 only for 02 years 03 months and 08 days when notification (Annexure P-8) ensures that only those employees are entitled to pay band of Rs.37,400-67,000+9,000 who have put in

minimum 03 years of service in the Selection Grade. Since, the petitioner does not qualify under this, his claim to the relief in question does not subsist.

This Court does not find any perversity or illegality in the notifications of the Government (P-7 and P-10) and which needs to be upheld.

The petition being hopelessly without merits stands dismissed.

09.02.2022

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No