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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CWP-1644-1996 (O&M)
Jasbir Singh and others
..... Petitioners

Vs.
State of Punjab and others
..... Respondents

2. CWP-16891-2004 (O&M)
Ashok Kumar
..... Petitioner

Vs.
State of Punjab and others
..... Respondents

Date of Decision: 18.07.2023

CORAM: HON’BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. APS Bhinder, Advocate
 for the petitioners (in CWP-1644-1996).

 Mr. Rajiv Atma Ram, Sr. Advocate with
 Mr. Arjun Pratap Atma Ram, Advocate with
 Mr. Dhiraj Jindal, Advocate with
 Mr. Rahat Sekhon, Advocate
 for the petitioner (in CWP-16891-2004).

 Mr. Sehajbir Singh Aulakh, AAG, Punjab.

 Mr. Sudeep Mahajan, Advocate
 for all the private Colleges.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Learned counsel for the petitioners submits that the petitioners were
 appointed as Tabla instructors in various colleges and on aided posts in

private aided institutions. They have claimed parity of pay scale to that of lecturers.

2. However, this Court finds that the post of Tabla instructor cannot be treated to that of lecturers, they being two different cadres.
3. Reply has already been filed by the respondents, wherein the respondents have specifically pointed out that pay scale of the petitioners of teaching cadre of tabla instructor is much less than that of lecturer college who are granted pay scale of UGC norms.
4. In view thereof, the said prayer is rejected.
5. Learned counsel for the petitioners also point out that there is no avenue available for promotion of tabla instructors, and in terms of the judgment passed by the Supreme Court in *O.Z. Hussain vs. Union of India, reported in 1990(1) SLR 297*, the benefit of promotion ought to be provided by providing at least two avenues of promotion.
6. However, this Court is of firm view that the observations made by the Apex Court are an *obiter* with direction to the State to make provisions.
7. However, if no provision for promotion has been granted, then alternatively the State Government has provided selection scale, and now ACP benefits to its employees which takes care of granting of higher pay scales to its employees.
8. Question arises whether the petitioners would be entitled to the said benefits.
9. It is also stated that the Pay Commission has been set up for the said purposes and it could be considering the case of the petitioners too.
10. The question regarding granting of selection scale and the manner in which the same is to be granted on isolated posts is to be examined by

the respondents. The petitioners would have already been given the benefit if the same is extended by circulars of the State Government.

- 11. However, it is not for this Court to grant a particular pay scale benefit to the petitioners as it is a matter of exclusive domain of the administration.
- 12. Be that as it may, as on today, since the petitioners had preferred this Writ Petition in 1996, and a joint petition has been filed without giving individual details, no directions in this regard can be issued.
- 13. Writ Petitions are devoid of merits and are accordingly *dismissed*.
- 14. No costs.
- 15. Pending application(s), if any, also stands disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

July 18, 2023
Mohit goyal

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |