

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

375

**CWP-19160-1996 (O&M)
Date of Decision: 12.09.2023**

Sat Pal Sharma

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. V.K. Shukla, Advocate
for the petitioner.

Mr. D.K. Singal, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J (ORAL)

1. The petitioner by way of this petition claims grant of proficiency step up from the date he was appointed as JBT teacher.

2. Learned counsel for the petitioner has vehemently argued that the petitioner was firstly appointed as JBT teacher and was already granted JST grade in terms of the order of the Punjab Government dated 08.04.1992. The JBT teachers who have been granted JST grade were required to be granted proficiency step up i.e. senior/selection grade after 08/18 years from the date of grant of JST grade. The petitioner, therefore, was entitled to be given the step up from the date his juniors were granted JST grade i.e. from 18.06.1971. Accordingly, the petitioner ought to have been granted first step up as on 01.01.1986 and second step up as on 18.06.1989.

3. Per contra, learned State counsel submits that the petitioner although was appointed as a JBT teacher and was granted higher grade of JST teacher in terms of the Apex Court judgment w.e.f. 18.06.1971. The

benefit of the order dated 08.04.1992 issued by the Punjab Government Education Department would not apply to the petitioner as the petitioner was appointed afresh by direct recruitment as Hindi/language teacher on 29.06.1983 and did not continue in the cadre of JBT teacher. The benefit of step up can only be granted in the same cadre. The petitioner was appointed on 29.06.1983 in the scale of 620-1200 whereas the pay-scale of JBT teacher was 480-880. The appointment being a fresh one would not give the benefit of continuous service for the purpose of grant of proficiency step up.

4. I have considered the submissions made by learned counsel for the parties and have perused the record.

5. This Court finds that the post of Hindi language teacher is a separate independent higher post carrying a separate pay-scale of 620-1200 on which the petitioner was selected by an independent selection and he joined on the said post on 29.06.1983. The previous service of JBT teacher although may be counted for the purpose of pension and other retiral benefits but for the purpose of proficiency step up, the said service could not have been counted and has not been counted rightly by the respondents as the said cadre is separate from the cadre of Hindi language teacher. Accordingly, the benefit has been granted to him only from the date he has been selected and appointed as a Hindi/language teacher.

6. Keeping in view the above, the present petition is found to be without merit and accordingly, the same is dismissed.

7. The pending application(s), if any, shall stand(s) disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

12.09.2023

D.Bansal

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