

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(326)
(Regular)

CWP-9329-1996
Date of decision:- 07.12.2023.

Subash Chander Gupta and ors.

...Petitioners

Versus

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present : None for the petitioners.

Ms. Tanushree Gupta, DAG Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

1. The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to grant higher scale/JST Grade to the petitioners from the date they acquired qualification of Three Years Degree Course in terms of instructions/letter, dated 23.07.1957, by the Erstwhile State of Punjab.

2. Learned State counsel submits that the issue of grant of Higher scale/increments, based on the said instructions dated 23.07.1957 issued by the Erstwhile State of Punjab, has been settled by the Supreme Court vide judgment rendered in *State of Haryana and others vs. Hem Lata Gupta and others*, 2010(2) SCC 369, wherein it has been held as under:

18. The arguments of the respondents, which found favour with the High Court that revision of the pay scales of teachers with effect from 1-12-1967 did not result in automatic supersession

of the existing policy decisions sounds attractive in the first blush, but, on a deeper consideration, we are convinced that the said argument is fallacious and should have been rejected by the High Court. All the financial benefits including increments admissible to the teachers in terms of extant policy decisions must have been taken into consideration by the Kothari Commission while recommending grant of revised pay scales. If this was not so, there could be no warrant for separately giving one advance increment to first and second class graduate Masters/Mistresses for whom revised pay scales of Rs.220-8-300-10-400 (for 85% of the cadre) and Rs.400-20-500 (for 15% of the cadre) were prescribed.

- 3. In view of the law settled, the petitioners’ claim cannot be entertained.
- 4. Petition stands dismissed accordingly.

(TRIBHUVAN DAHIYA)
JUDGE

7th December, 2023
spn

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No