

2406

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-4760-1995 (O&M)

Date of Decision: 04.10.2023

BALVIR SINGH AND OTHERS

.....Petitioners

V/s.

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA.

Present Ms. Alka Chatrath, Advocate,
for the petitioners.

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

SANJEEV PRAKASH SHARMA, J (Oral)

1. The petitioners initially had approached this Court by filing a Writ Petition praying for quashing of the orders Annexure P-3 and P-4, which laid down guidelines for grant of higher pay-scale on acquiring higher qualifications. The challenge was on the ground of discrimination.

2. It is informed by learned counsel for the petitioners that later on all the petitioners also acquired higher qualifications and therefore, they should also be granted the same pay scale.

3. However, the respondents have filed their reply and it has been stated that the Punjab Government has changed its policy w.e.f 19.02.1979 and the Teachers who were appointed after 19.02.1979 with higher qualifications, were held to be not entitled for automatic grant of higher pay scale. The said decision has been upheld by this court in CWP-3774-1995 decided on 20.11.1995 and in LPA-374-1994 decided on 20.03.1996.

4. So far as the petitioners are concerned, they are the employees of a Managing Committee, but even if they were taken at par with the Government employees, since the Government employees were also not entitled for higher pay scale on account of acquiring higher qualifications after 19.02.1979, the claim cannot be granted to the petitioners also. The Teachers working in the Government schools and privately managed schools have been granted parity of pay and Dearness Allowance by the Punjab Government.

5. The question arises that higher pay scale as per higher qualification can be granted upon their acquisition while working on the same post and whether parity in this regard has to be maintained between the Teachers who were appointed or working in terms of the benefit granted vide orders P-3 and P-4 prior to 19.02.1979, and those who have acquired higher qualifications after 19.02.1979.

6. This Court is of the firm view that the grant of pay scale is purely a policy decision holding an administrative field and a judicial review on these aspects and in areas where there is discrimination between similarly placed persons, is very limited. However, the cut-off date can always be provided by the State Government for grant of benefit. After 19.02.1979, all the employees from different class, who acquired higher qualifications, would, therefore, not claim discrimination or parity, with those who were appointed and acquired qualification prior to the cut-off date.

7. This Court notices that so far as the respondents are concerned, they have treated the Teachers employed in private aided schools and the

Government schools at par with each other. The benefit has been granted across the board to both the Teachers of the Government schools as well as privately aided schools. However, after 19.02.1979, no different yardsticks have been adopted for the Teachers of the Government and the private aided schools as the policy for both remain the same whereby higher pay scale on acquiring higher qualifications was denied. Thus, the claim of the petitioners fails and the Writ Petition is dismissed accordingly.

8. All pending applications in this Writ Petition shall stand disposed of accordingly.

October 4, 2023

Ess Kay

[SANJEEV PRAKASH SHARMA]

JUDGE

Whether speaking / reasoned : *Yes/No.*

Whether Reportable : *Yes/No*