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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-22936-2023 (O&M)
Date of Decision: 11.10.2023

Pardeep Singh and others
Vs.
State of Punjab and others

. . . . Petitioners
. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Ms. Divya Sharma, Advocate, for the petitioners.
Mr. Paramjit Batta, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioners by way of this writ petition assail the order passed by the respondents whereby the State Government has decided to grant 5% increment to the contractual teaching and non-teaching staff working in the Government colleges of the State w.e.f. 01.09.2023.
2. Learned counsel submits that the petitioners had demanded for granting them the benefit of 7th pay scale as had been made available to the other college teachers.
3. Learned counsel submits that the petitioners have been working on the similar post as held by the other college teachers. Their initial appointment was on the basis of a selection process which is akin to regular selection process. The petitioners were placed in the regular pay scale as per the advertisement issued in the year 2008. They had earlier approached this Court when they were not granted the benefit of 6th Pay Commission. But during the pendency of the writ petition, the benefit was granted to them. Even the allowances which were withheld were later

on released. Orders in this respect have been placed on record as Annexures P-15 and P-16 in support of the averment that the petitioners were getting a regular pay scale and are still getting the regular pay scale under the 6th Pay Commission. Once the 7th Pay Commission has been brought in force and has been made applicable to the college teachers, the said benefit should also be advanced to the petitioners who were contractually placed, as they are performing the same duties as the other college teachers.

4. Learned counsel therefore submits that they should not be discriminated on the ground of granting of the pay scale.
5. Learned counsel submits that by granting 5% annual increment to the contractual teaching and non-teaching staff, the petitioners have been reduced to the other contractual staff working in the State Government.
6. I have considered the submissions.
7. In the case of *Garima Sood and others vs. State of Punjab in CWP-23738-2011*, decided on 14.09.2023, this Court has examined the case relating to the process adopted by the State Government for one time regularization of the contractual lecturers. This Court has held that a State Government is not required to regularize the lecturers who are required to be appointed strictly in terms of the UGC regulations. The process adopted has to be adopted strictly in accordance with the UGC regulations, and further directions had been issued as under:

“i) the Punjab State Govt. shall within four weeks’ from today issue an advertisement for filling up the vacant posts of Asstt. Professors in various subjects and shall include the posts which are also meant for the adhoc Lecturers who were appointed on urgent temporary basis or part time basis initially. The said

existing adhoc Lecturers would be entitled to participate in the selection process if they possess the minimum eligibility as laid down under the Regulations of 2010. Such adhoc Lecturers would be eligible for being given the benefit of their experience if they achieve a particular bench mark in the written examination which may be fixed by the concerned examining body; It is made clear that the existing adhoc Lecturers if selected would fill their respective category of posts;

ii) The reservation of posts shall be made on the total number of posts for each subject;

iii) The reservation policy as followed by the Govt. shall be maintained and the reservation of posts shall be made on the total number of available posts for each subject in all the colleges of the State or Universities;

iv) Keeping in view the protracted litigation pending in the Court since long, it is directed that the candidates participating for open selection should be given appropriate age relaxation. So far as the adhoc Lecturers are concerned, they would be allowed to participate in the selection process without putting embargo of their age criteria.”

8. In view of the aforesaid decision taken by this Court, this Court is of firm view that the petitioners, who are set of contractual employees, cannot claim parity with the regularly selected college lecturers. The State Government therefore can treat them differently and grant them a separate benefit other than the benefit which has been granted to the regularly selected college teachers. The petitioners may have been selected by way of an advertisement, however, their selection cannot be said to be in the same manner by the PSE, as is being done for the college lecturers appointed on regular basis. The petitioners have been already allowed to participate in the regular process (supra).
9. Leaving it open for the petitioners to participate in the selection process, the orders passed by the respondent granting them 5% annual increments

does not warrant any interference. Even otherwise, decision relating to granting of a particular salary or pay benefits is in the exclusive domain of the State Government and does not come within the purview of judicial review.

10. In view of above, no case for interference is made out.

11. Writ Petition is accordingly *dismissed*.

12. All pending applications also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

October 11, 2023

Mohit goyal

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