



CWP-14496-1999

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-14496-1999

Date of Decision: 24.07.2024

SATPAL ATRIS

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Nikhil Singh, Advocate for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed, *inter alia*, seeking a writ of certiorari quashing the order dated 18.05.1999, Annexure P-10, whereby petitioner's claim for grant of higher pay on attaining higher qualification, has been rejected.

2. Learned counsel for the petitioner contends that the claim has been wrongly declined, as it is an admissible benefit under the Government instructions dated 23.07.1957, Annexure P-2, read with memo dated 01.02.1962, Annexure P-2A. The petitioner joined the Department as JBT Teacher on ad-hoc basis on 01.01.1970, and continued working with notional breaks upto 03.05.1977. His services were regularised with effect from 10.01.1979. Having acquired the higher qualification of BA Part 1 on 15.06.1974, he became entitled to the benefit of higher pay in terms of the instructions/memo referred to above.

3. Learned State counsel has referred to the impugned order dated 18.05.1999, to contend that as per details mentioned therein, the petitioner

remained on ad-hoc service with substantial breaks from 19.06.1970 to



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03.05.1977. It was not a continuous service and the breaks could not be condoned to give the benefit of higher pay scale with effect from 15.06.1974, the date he acquired higher qualification for claiming admissible benefit in terms of instructions issued by the Government with effect from the date of regularisation, i.e., 22.07.1977.

4. There is no dispute that in terms of the instructions, the employees were entitled to benefit of higher pay scale if they had acquired higher qualification prior to 19.02.1979. Although the petitioner acquired qualification of BA Part 1 on 15.06.1974, he was not in service on that date. The period during which he had not rendered temporary service in the Department as per details mentioned in the impugned order, dated 18.05.1999, has not been disputed by the petitioner. Therefore, it cannot be said that the petitioner was in continuous service prior to the date of regularisation. The memo, dated 01.02.1962, would not help the petitioner either since it is to the effect “*the order(s) regarding grant of higher start to MA/BT/B.Ed candidates are also applicable to the candidates appointed on three/six months basis*”. Whereas the petitioner is claiming benefit of higher pay on acquiring qualification of B.A. Part 1 during service. Therefore, no exception can be taken to the impugned order declining his claim.

5. Accordingly, there is no merit in the petition and it stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

22.07.2024
Ad

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