



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.205

CWP No.5670 of 1999 (O&M)
Date of Decision: 24.07.2024

Bimla Rani

.... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Vishal Gupta, Advocate for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a direction to the respondents to give benefit of higher standard pay scales to the petitioner on completion of ten years and twenty years of service in terms of government letter/instructions, dated 08.03.1994, Annexure P-1.

2. Facts of the case in brief are, the petitioner joined as Art and Craft Teacher in Government High School, Kirmach, on 19.07.1982 in the pay scale of ₹1200-2040, and acquired higher qualification of M.A., B.Ed. while in service. On that basis, she was granted Master's grade of ₹1400-2600 with effect from 01.11.1986. Meanwhile, the government issued instructions dated 08.03.1994, Annexure P-1, for grant of higher standard pay scale to Group 'C' and 'D' employees on completion of ten years or more, and twenty years or more of regular satisfactory service. The petitioner was later granted promotion as S.S. Mistress in the same pay scale she was already working in, i.e., ₹1400-2600, with effect from 30.03.1994. Accordingly, it is claimed that on completion of ten years of service without any financial upgradation, she becomes entitled to first higher standard pay



scale with effect from 01.01.1996 in terms of the instructions, dated 08.03.1994. The claim was, however, rejected by the government, as communicated to the petitioner vide reply to her notice under Section 80 of the Code of Civil Procedure, dated 16.02.1999, Annexure P-4, on the ground that she had not completed ten years on the promoted post of S.S. Mistress. In these facts and circumstances, the instant petition has been filed.

3. Learned counsel for the petitioner contends that rejection of the petitioner's claim for higher standard pay scale on account of her promotion as S.S. Mistress is in violation of instructions, dated 08.03.1994, since no financial benefit was given to her on that account. The promotion was in the same pay scale the petitioner was already working in, and cannot be termed a financial upgradation.

4. *Per contra*, learned State counsel contends that the petitioner was allowed higher pay scale of ₹1400-2600 with effect from 01.11.1986 while working on the post of C&V Teacher on account of acquiring higher qualification as a measure personal to her. Later, she was promoted as S.S. Mistress in the same pay scale. Time scale of pay for the post of Art and Craft Teacher is ₹1200-2040 with effect from 01.01.1986, and while granting higher standard pay scale in terms of instructions, dated 08.03.1994, time scale of pay for the post is to be kept in view, and not the pay scale which was given to an employee for any other reason. Accordingly, the petitioner is not entitled to first higher standard pay scale of ₹1640-2900 on completion of ten years' service. on the basis of her pay scale of ₹1400-2600 which was not the pay scale for the post of C&V Teacher held by her.

5. Heard.

6. The facts are not in dispute that the petitioner, while working as Art and Craft Teacher in the pay scale of ₹1200-2040, was given the



higher/Master's pay scale of ₹1400-2600 on acquiring higher qualification during service with effect from 01.11.1986. To remove the stagnation and bring relief to the employees, the government vide notification, dated 08.03.1994, provided for higher standard pay scale to Group 'C' and 'D' employees, who had not got any promotion or promotional scale/higher time scale/selection grade in service career on completion of ten years or more and twenty years or more of regular satisfactory service.

6.1. In this background, the issue to be adjudicated is, whether the petitioner is entitled to higher standard pay scale in terms of the instructions, dated 08.03.1994. For the purpose, it is apt to reproduce relevant provision of the instructions which is as under:

2. With effect from first January, 1994 or thereafter as the case may be, the grant of higher standard scale will be regulated as under:-

- i) xxx xxx xxx
- ii) every employee of group 'C' or 'D' category who has not got any promotion or promotional scale/higher time scale/selection grade in his service career and has completed ten years or more but less than twenty years regular satisfactory service before 1.1.1994 and will be allowed with effect from 1.1.94 in place of his present pay scale the first higher standard scale specified in column 3 of the enclosed Annexure with respect to the pay scale of the post applicable from 1.1.1996. An employee who completes such regular satisfactory service of ten years after 1.1.1994 and has not got any promotion or promotional scale/higher time scale/selection grade in his service career will be allowed the aforesaid first higher standard scale from first day of the month following the month in which he completes such service.

6.2. A perusal of sub-clause (ii) to Clause 2 shows that every group 'C' and 'D' employee who completed ten years or more but less than twenty years of regular satisfactory service before 01.01.1994, and has not been



given any benefit of upgradation in the form of promotion or promotional scale/higher time scale/selection grade, will be allowed the first higher standard pay scale in place of his present pay scale with effect from 01.01.1994. Further, it is provided that an employee who completed regular satisfactory service of ten years after 01.01.1994 without any financial upgradation, as mentioned hereinbefore, will be allowed the first higher standard pay scale from first day of the month following the month in which he completes such service.

6.3. The petitioner was given the higher scale/Master's grade while working as Art and Craft Teacher, with effect from 01.11.1986, and was later promoted as S.S. Mistress in the same grade without any financial benefit. Accordingly, she kept on working in the pay scale of ₹1400-2600 given to her on account of acquiring higher qualification while working as Art and Craft Teacher, and remained in the same pay scale despite her promotion as S.S. Mistress with effect from 30.03.1994. It cannot be said that she was given any promotional scale/higher time scale/selection grade in service career, as the promotion was without any financial benefit. Such promotion cannot be termed financial upgradation, as no financial benefit was given to her on that basis. She completed ten years of regular satisfactory service in the same scale on 31.10.1996, and became entitled to first higher standard pay scale with effect from 01.11.1996.

6.4. The contention of learned State counsel that for the purpose of giving higher standard pay scale, time scale of pay for the post held by the employee as applicable from 01.01.1996 is to be seen and not the personal pay given to him/her, is without any substance. Sub-clause (ii) to Clause 2 of the Instructions is specific that on completion of ten years or more of regular satisfactory service without getting any promotional scale/higher time scale,

the employee becomes entitled to first higher standard pay scale '*specified in*



column 3 of the enclosed annexure with respect to the pay scale of the post applicable from 01.01.1996.’ It essentially means that the higher standard pay scale prescribed vis-à-vis the pay scale meant for the post held by an employee will be the entitlement, and has nothing to do with the pay scale given to an employee as a personal measure.

7. In view of the aforesaid discussion, the petition is allowed. The respondents are directed to grant the benefit of higher standard pay scale to the petitioner in terms of instructions, dated 08.03.1994, from the due date/01.11.1996 with all consequential benefits, and release the arrears as well, within a period of four weeks of receiving a certified copy of this order. The arrears shall carry interest at the rate of seven per cent per annum from due date till the date of actual payment.
8. Pending miscellaneous application(s), if any, stand(s) disposed of as having been rendered infructuous.

(TRIBHUVAN DAHIYA)
JUDGE

24.07.2024
Maninder

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes