



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.203

CWP No.9480 of 2000 (O&M)
Date of Decision: 05.12.2024

Bhupinder Kaur

.... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Bhag Singh, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed seeking a writ of *certiorari* quashing the order dated 20.06.2000, Annexure P-3; and a writ of *mandamus* directing the respondents to grant the benefit of JST grade to the petitioner with effect from the date of joining service on temporary/*ad hoc* basis, i.e., 22.08.1978.

2. Learned counsel for the petitioner contends that the petitioner worked as JBT Teacher on *ad hoc* basis in the respondent Department from 22.08.1978 to 18.08.1983. Thereafter, she was appointed on regular basis in the Department vide letter dated 13.08.1983, Annexure P-6, and joined as such on 20.08.1983. She was entitled to JST grade of pay in terms of Government letter dated 23.07.1957 for possessing higher qualification of B.A.I/Inter before 09.03.1990. Her claim, however, was rejected vide the impugned order on the ground that she was not in service on 19.08.1983. After being relieved from *ad hoc* service on 18.08.1983, she had not joined regular service in continuity on the next day. The reason assigned to decline the grade was not sustainable since the petitioner had to undergo medical



tests and submit fitness certificate to the Department at the time of joining. This certificate was issued to her only on 19.08.1983, after she had undergone the tests. Accordingly, she cannot be faulted on that account, nor can the admissible grade be denied to her on that basis.

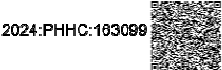
3. Learned State counsel, on the contrary, contends that the claim has been rightly rejected since the petitioner was offered a fresh appointment, vide letter dated 13.08.1983, pursuant to a fresh selection process. She joined the Department as JBT Teacher on 20.08.1983, and was given JST grade from that date as per her entitlement in terms of letter dated 23.07.1957. She was not entitled to claim the grade from the date of joining on *ad hoc* basis, since she had not been given continuity of service vide the appointment letter dated 13.08.1983.

4. Heard.

5. As per facts apparent on record, the petitioner was offered a fresh appointment as JBT Teacher vide letter dated 13.08.1983 on the terms and conditions mentioned therein, and was not provided continuity of service. It is not the case either that her *ad hoc* service has been counted for any service benefit. As apparent on record, grant of JST grade to employees was regulated in terms of memo, dated 14/29.09.1999, wherein the entitlement to higher scale was with the condition of passing B.A.I/Inter before 09.03.1990 or from the date of *ad hoc* appointment followed by regularisation, whichever was later. In terms therewith, the petitioner has been given JST grade from the date of regularisation.

6. These facts have not been disputed by the petitioner by filing any counter-affidavit, nor has the memo dated 14/29.09.1999 been challenged.

7. In view thereof, there is no merit in the petition, and it stands dismissed.



8. Pending miscellaneous application(s), if any, stand(s) disposed of as having been rendered infructuous.

(TRIBHUVAN DAHIYA)
JUDGE

05.12.2024
Maninder

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