



CWP-1307-2000

-1-

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

213

CWP-1307-2000

Date of Decision: 04.03.2025

Lekh Raj

...Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Anand Bhardwaj, Advocate for the petitioner
(through Video Conferencing)

Mr. Harish Rathee, Sr. DAG, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to grant the benefit of higher pay scale of category 'B', Group II to the petitioner with effect from the deemed date of appointment as JBT teacher, i.e., 18.10.1987, with all consequential benefits.

2. Learned counsel contends that the petitioner is an ex-serviceman, and after release from the Army, he joined the Department as JBT teacher on 19.11.1991. Considering his military service, he was given deemed date of appointment as 18.10.1987. However, the benefit of higher pay scale in terms of instructions issued by the government vide memo dated 07.04.1999, Annexure P-4, has been denied to him considering it to be admissible only on the basis of actual date of appointment. The ground of rejection is not sustainable since the petitioner has acquired the higher qualification of B.A. Part-I prior to 09.03.1990, and his deemed date of appointment is 18.10.1987. Accordingly, he becomes entitled to the higher grade in terms of the instructions.

**CWP-1307-2000****-2-**

3. Learned State counsel, on the contrary, contends that the petitioner's claim has rightly been rejected because the service benefits, if any, accrue to the employee only from the date of actual joining. The higher grade of pay in terms of memo dated 07.04.1999, cannot accordingly be claimed by him.

4. Heard.

5. It is apparent on record that the petitioner joined service as JBT teacher on 19.11.1991, and had already passed B.A. Part-I prior thereto. His claim for higher pay scale in terms of instructions issued vide memo dated 07.04.1999, is based upon the deemed date of seniority and fixation of pay given to him with effect from 18.10.1987. A perusal of the instructions aforementioned makes it clear that C & V teachers and JBT teachers of Government Schools were given the benefit of higher pay scale on their acquiring higher qualification of B.A./Inter/TDC Part-I up to 09.03.1990 from the date of *adhoc* appointment followed by regularization, whichever was later. It is undisputed on record that the petitioner neither rendered *adhoc* service in the Department nor was he regularised in service; his was a fresh selection as JBT teacher. Accordingly, his claim for benefit under the instructions is unsustainable.

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

(TRIBHUVAN DAHIYA)
JUDGE

04.03.2025*Payal*

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No