



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

LPA No.489 of 2025 (O&M)

Date of Decision: 08.04.2025

State of Haryana and others

...Appellants

Versus

Vinod Kumar

...Respondent

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Sanjeev Kaushik, Addl. A.G., Haryana
for the appellants.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The appeal assails the order passed by learned Single Judge dated 08.07.2024, whereby the writ-petition preferred by the respondent was allowed and the order rejecting the claim of the writ-petitioner for granting him senior scale and selection grade of pay by counting his previous service rendered from 11.09.2000 to 20.12.2011 was set-aside and further directions were issued to release arrears of salary with interest @ 6% from the due date to actual payment.

2. Learned State counsel for the appellants has strenuously argued and submitted that so far as the writ-petitioner is concerned, he was working earlier as a Lecturer in the subject of Mathematics in another College which was self-funded and therefore, the said previous service could not have been counted. He, further, submits that as per the provisions of clause 19.1(b) of the UGC Regulations for grant of CAS, the writ-



petitioner cannot be said to have been working on an equivalent grade prior to his joining as an Assistant Professor of Mathematics with the State Institution. He also submits that the order passed by the State dated 04.05.2018, rejecting his claim for counting his service from 11.09.2000 to 20.12.2011 cannot be said to be unjustified or illegal. He, therefore, submits that the order passed by learned Single Judge dated 08.07.2024 deserves to be set-aside.

3. We have considered the submissions and carefully gone through the order passed by learned Single Judge.

4. It is apparent that as per Clause 19.1, regular service rendered whether national or international, as Assistant Professor, Associate Professor or Professor or equivalent in a University, College, National Laboratories, or other Scientific/Professional Organizations, should be counted for direct recruitment and promotion under CAS as Assistant Professor. Clause 19 reads as under:-

“19.0 Counting of past service for Direct Recruitment and Promotion Under CAS

19.1. Previous regular service, whether national or international, as Assistant Professor, Associate Professor or Professor or equivalent in a University, College, National Laboratories, or other Scientific/Professional Organizations such as the CSIR, ICAR, DRDO, UGC, ICSSR, ICHR, ICMR, DBT, etc. funded by State/Central Government, should be counted for direct recruitment and promotion under CAS of a teacher as Assistant Professor, Associate Professor, Professor or any other nomenclature these posts are described as per Appendix III - Table No. II provided that:



- a. The essential qualification of the post held were not lower than the qualifications prescribed by the UGC for Assistant Professor, Associate Professor and Professor as the case may be.*
- b. The post is/was in an equivalent grade or of the pre-revised scale of pay as the post of Assistant Professor (Lecturer) Associate Professor (Reader) and Professor.*
- c. The candidate for direct recruitment has applied through proper channel only.*
- d. The concerned Assistant Professor, Associate Professor and Professor should possess the same minimum qualifications as prescribed by the UGC for appointment to the post of Assistant Professor, Associate Professor and Professor, as the case may be.*
- e. The post was filled in accordance with the prescribed selection procedure as laid down in the Regulations of University/State Government/Central Government/Concerned Institutions, for such appointments.*
- f. The previous appointment was not as guest lecturer for any duration, or an ad hoc or in a leave vacancy of less than one year duration. Ad hoc or temporary service of more than one year duration can be counted provided that:*
 - i. the period of service was of more than one year duration;*
 - ii. the incumbent was appointed on the recommendation of duly constituted Selection Committee; and*
 - (iii) the incumbent was selected to the permanent post in continuation to the ad hoc or temporary service, without any break.*
- g. No distinction should be made with reference to the nature of management of the institution where previous*



service was rendered (private/local body/Government), was considered for counting past services under this clause.”

5. It is an admitted position that the respondent was held to have worked from 11.09.2000 to 20.06.2006 as Lecturer in the subject of Mathematics in the pay-scale of Rs.8000-13500, as Senior Lecturer from 21.06.2006 to 30.09.2007 in the pay-scale of Rs.10000-15200 and as Assistant Professor from 01.10.2007 to 20.12.2011 in the pay-scale of Rs.12000-18300. He joined the department as Assistant Professor on 21.12.2011 and the entry level grade was Rs.15600-39100+6000 Grade Pay. Thus, his previous service rendered as a Lecturer, Senior Lecturer and Assistant Professor in the College cannot be said to be, in any manner, irregular nor can it be said that the same cannot be counted for the purpose of Clause 19.1(b) (supra). Learned Single Judge has noticed that the pay-scales were revised from time to time of Assistant Professors who were earlier designated as Lecturer. Those who were already drawing the pay-scale of Rs.8000-13500 as Lecturer were re-designated under the UGC Pay-Scales Rules, as Assistant Professors and placed in the pay band of Rs.15600-39100 with AGP 6000.

6. In view of above, learned Single Judge has examined the case of the writ-petitioner and found as under: -

“6.3 Further, as aforementioned, the petitioner previously worked as Lecturer and joined the Department also on the same post (re-designated as Assistant Professor in the revised pay scales’ notification). The higher scales meant for the post, senior scale and selection grade, have also been recognised as such in the revised pay grades/scales



meant for the post, as apparent from para 8.1 of the notification. The post of Lecturer/Assistant Professor has three different scales/grades, viz., the initial scale, senior scale and selection grade. After being appointed at the initial of scale as Lecturer/Assistant Professor, an incumbent becomes entitled to higher scales on fulfilling the laid down conditions and experience. The requirement of clause 19.1.b. is that the post should be in equivalent grade/pre-revised scale. The previous post of Lecturer as well as the present one of Assistant Professor are in equivalent grades as detailed hereinbefore; in fact, post is the same only nomenclature has changed with the revision of pay scales. Accordingly, it cannot be said the petitioner's previous post was not in equivalent grade/pre-revised scale. In considering equivalence under clause 19.1.b., the Department wrongly equated only one of the scales attached to the post, and not the post as such. Equivalence of post is to be seen in appropriate context, because a post can include various pay scales/grades as well, as in the instant case."

7. The concept of grant of Career Advancement Scheme is to give benefit individually and in person to Lecturers/Assistant Professors/ Associate Professors and Professors. The service rendered in the field of teaching along-with the post and the other requisite qualification, the same is being an individual promotion, ought not be derived on such aspects merely because the person was working earlier on the post of Lecturer which admittedly, was re-designated, subsequently, as Assistant Professor.
8. We have noticed that the service details of the respondent held are satisfied and the previous service rendered by him from 11.09.2000 to



20.12.2011 is required to be counted for the said purpose. The order passed by learned Single Judge does not want any interfere and the present appeal is, accordingly, dismissed.

9. Since we have decided the case on merits, the delay of 285 days in filing the appeal is condoned.

10. All the pending miscellaneous application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

08.04.2025
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: Yes