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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-5554-2000 (O&M)  
Date of Decision: 22.01.2025

RAJ PARKASH HOODA AND OTHERS

..... PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENTS

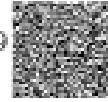
**CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. R. K. Malik, Senior Advocate with  
Mr. Kartikeya Chaudhary, Advocate  
for the petitioners.

Mr. K. K. Chahal, Addl. A.G., Haryana.

**TRIBHUVAN DAHIYA, J. (ORAL)**

The petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to remove the anomaly and direct that pay scale for the post of Vice Principal must be higher as compared to that of the feeder cadre post of Language Teacher; similarly, pay scale for the post of Deputy District Vocational Officer must be higher as compared to

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the feeder cadre post of Vice Principal from the date of anomaly, in the respondent/Industrial Training and Vocational Education Department.

2. Briefly, the facts of the case are, out of the four petitioners; the first one was appointed as Vice Principal by way of direct recruitment in June, 1991 and promoted as Deputy District Vocational Education Officer in December, 1995. The other three were appointed as Language Teachers and were regularised in the Department with effect from 01.11.1986. They were promoted as Vice Principal in March, 1995 vide letter dated 16.01.1995, Annexure P-1.

2.1 Service to these posts is governed by the Haryana Industrial Training and Vocational Education Department (Group B) Directorate and Field Offices Service Rules, 1998 (hereinafter referred to as 'the Service Rules'). As per Rule 9, recruitment for the post of Vice Principal in Vocational Education Institutes is fifty per cent by promotion from amongst Instructors and Language Teachers, and fifty per cent by direct recruitment. Similarly, recruitment to the post of Assistant Director Vocational Education as well as Deputy District Vocational Education Officer is fifty per cent by promotion from amongst Vice Principals. Therefore, Language Teacher is a feeder cadre post for the post of Vice Principal, and the latter is a feeder cadre post for the next higher post of Deputy District Vocational Education Officer. Pay scale for the post of Vice Principal used to be higher as compared to that of Language Teacher; and pay scale for the post of Deputy District Vocational Education Officer used to be higher than that of the Vice Principal. The scales for these three posts with effect from 01.01.1986 have been the following:



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| Period            | Language Teacher | Vice Principal | Deputy District Vocational Education Officer |
|-------------------|------------------|----------------|----------------------------------------------|
| w.e.f. 01.01.1986 | ₹1640-2900       | ₹2000-3200     | ₹2000-3500                                   |
| w.e.f. 01.05.90   | ₹2000-3500       | No change      | No change                                    |
| w.e.f. 01.01.96   | ₹6500-10500      | ₹6500- 10,500  | ₹6500-10500                                  |

In this manner, there was anomaly in the pay scales of the above-mentioned posts with effect from 01.05.1990, when the scale of Language Teacher was higher than that of the promotional post of Vice Principal; and with effect from 01.01.1996, the pay scale of feeder cadre as well as promotional posts became the same. This anomaly needed to be corrected to make the scales of promotional posts higher than those of the feeder cadre posts.

3. Learned Senior counsel contends that the anomaly indicated above was noted by the Department as well, and the second respondent vide letter dated 08.06.1998 recommended its removal to the Government on the ground that existing teaching staff should not be in higher pay scale than the promotional post of Vice Principal and Deputy District Vocational Education Officer. Besides, as per law laid down by the Division Bench of this Court in *Sunder Lal Jain v. State of Haryana, 1995 (1) SCT 564*, pay scales of a promotional post cannot be the same as that of an inferior post. The employee should always be given higher pay scales and emoluments on the promotional post which is acquired with better experience and more qualifications.

4. Learned State counsel, on the contrary, contends that equal pay scales of different posts in the Department do not entitle the petitioners to claim higher scales for themselves. The pay scales of Language Teacher were revised pursuant to a judgment rendered by this Court in CWP-16543-

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1990 titled *Ram Chander and others v. State of Haryana and another* dated 15.07.1992, whereby they were held entitled to the same pay scale as admissible to their counterparts, i.e., Lecturers in School cadre in the Education Department with effect from 16.01.1990. After implementation of the judgment, the pay scales of promotional posts, as aforementioned, became lower than those of the feeder cadre posts. The matter was considered by the Government, and it was decided that pay scales of ₹2000-3500 sanctioned to Language Teachers (English and Hindi) of Vocational Education Institutes would be considered as a measure personal to them. It has also been stated in the written statement that subsequent to implementation of the judgment in *Ram Chander* case, the Language Teachers, who were working at the pay scale of ₹2000-3500 (pre-revised) were stepped-up to the level of ₹6500-10,500 (revised). Accordingly, pay scales of Language Teachers no longer remained higher as Vice Principal and Deputy District Vocational Education Officer were also placed in ₹6500-10,500. Besides, there are many other posts of different categories in the Department which carry same pay scales, like that of Superintendents and Assistant Directors, though the latter is a promotional post for the former. In this manner, there is no anomaly in the grant of pay scales, and the relief claimed by the petitioners cannot be granted.

5. Submissions made by learned counsel for the parties have been considered.

6. It is apparent on record that the post of Language Teacher is a feeder cadre post for Vice Principal, and the latter is a feeder post for Deputy District Vocational Education Officer. And, prior to 01.05.1990, the pay

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scales for these posts were different. Only on account of a judgment rendered by this Court in *Ram Chander* case (*supra*), pay scales for the post of Language Teacher were equated to that of Lecturer School cadre in the Education Department with effect from 16.01.1990. On this account the Language Teachers got placed in a higher pay scale as compared to that of Vice Principal, as aforementioned. The situation was, however, corrected with effect from 01.01.1996, when these posts were placed in equal pay scales, i.e., ₹6500-10,500. The Government also took a conscious decision that the pay scales of ₹2000-3500 sanctioned to the Language Teachers (English and Hindi) would be given as a measure personal to the incumbents. This fact is not disputed by the petitioners, nor have they challenged the decision of the Government to that effect. Besides, this Court is of the considered view that the disparity in pay scales of these posts occurred only due to the judgment rendered in *Ram Chander* case (*supra*), granting higher pay scales to Language Teachers on ground of parity in the pay scales for the post of Lecturers in a different Department/Education Department. It is not a distortion resulting from implementing the Pay Commission recommendations regarding scales for different categories of posts which can be termed an anomaly. Instead, the higher scales to Language Teachers had been given due to entirely different circumstances as aforementioned. Not only that, corrective measures were taken and the pay scales of these posts were equated with effect from 01.01.1996. In this peculiar situation, merely because the pay scales of promotional posts are not a step higher, it cannot be described an anomaly. The judgment in *Sunder Lal Jain* case was rendered under different circumstances, where

there was an anomaly in the recommendations by the Pay Commission. And taking into consideration the requirement for employees to acquire more experience and better qualifications for attaining promotion to a higher post carrying higher pay scales, it was held that equal pay scales for the promotional as well as the inferior posts would result in restricting the natural aspirations of employees to go higher in service graph and would, thus, be arbitrary. Such a situation does not arise in the instant case, and the law laid down would not be applicable herein.

7. In view thereof, there is no merit in the petition, and it stands dismissed.
8. Pending miscellaneous application(s), if any, shall also stand(s) disposed of.

22.01.2025  
Seema

(TRIBHUVAN DAHIYA)  
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No