



CWP-19321-2004

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

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CWP-19321-2004 (O & M)

Date of decision: 24.04.2025

Darshan Bahl

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the memo/letter dated 11.08.2004/14.08.2004, Annexure P-6, vide which pay scale meant for Art and Craft Teacher already granted to the petitioner has been ordered to be withdrawn and a lower scale granted.

2. The Division Bench while admitting this petition, on 10.12.2004, had stayed the recovery. As recorded in the order-sheets that learned counsel for the petitioner had stated the issue involved herein, to be covered by the judgment in CWP-14283-2004, **Rekha Ohri etc. vs. State of Punjab etc.**, decided on 28.04.2005, and CWP-12469-2004, based on which even CWP-15276-2004 relied upon as similar case in the index of this petition, was disposed of, reads thus:

“We find that the matter is covered in the petitioners' favour by the Division Bench judgement of this Court in Gokal Deep Mehta & Ors. Vs. State of Punjab and Ors., 1992 (5) SLR 269, which judgement has also been affirmed by the Hon'ble Supreme Court while dismissing



the Special Leave Petition. The judgement in Gokal Deep Mehta's case (Supra) has also been followed by us in Civil Writ Petition No.19442 of 2002 (Surinder Kaur and others Vs. State of Punjab and another), decided 13.5.2004.

We accordingly allow this writ petition in the same terms.

Mr.Ashok Aggarwal has made a request for an adjournment for filing reply. However, in the light of the fact that the matter is covered in favour of the petitioners, as mentioned above, we decline the prayer for adjournment.”

3. The paras relevant of **Gokal Deep Mehta**(supra) read thus:

“3. It may be observed here that w.e.f. 1.1.1978, the pay scale of Classicial & Vernacular Teachers was revised from Rs. 170-350 to Rs. 570-1080. Learned counsel for the petitioners submitted that the petitioners are entitled to the same pay scale as that of Classicial & Vernacular Teachers because once they were made equal to them w.e.f. 1.11.1966, and consequently withdrawing the benefit of revision of pay scale, which was given to the Classical & Vernacular Teachers is wholly illegal and unsustainable. In support of his contention, he has cited two judgments of this Court in **Amarjit Kaur v. The State of Punjab & others 1988(4) SLR 199** and **Sukhwinder Kaur v. State of Punjab & Others, 1989(3) SLR 379**. In the former case, it was observed by the learned Single Judge that the petitioner who was a Tailoring Mistress, could not be denied the revised scale of pay which had been granted to Classicial & Vernacular Teachers. In the latter authority, the pay scale of Rs. 570-1080 granted to the petitioner (a Tailoring Mistress) was sought to be reduced to Rs. 480-880. It was held by the learned Single Judge that the Tailoring Mistresses were entitled to the revised grade of Rs. 570-1080 as was granted to Classical & Vernacular Teachers. Learned counsel for the respondents could not successfully differentiate the abovesaid two authorities. In this view of the matter, I hold that the petitioners were rightly given the same pay scale as that of Classical & Vernacular Teachers and the same could not have been reduced by the respondents. They are, in fact, entitled to the same pay scale as that of Classical & Vernacular Teachers.



4. Now coming to the grant of selection grade and the withdrawal thereof by the respondents. It is not disputed before me that the petitioners had been given the selection grade on the basis of a joint seniority list which was drawn of Classical & Vernacular Teachers and the Tailoring Mistresses. 15% of the seniormost incumbents in the said seniority list were to be granted the selection grade. It is further not disputed by Mr. Agnihotri that senior list of Tailoring Mistresses is at State level and that of Classical & Vernacular Teachers is at the District Level. Though the posts of Tailoring Mistresses and Classical & Vernacular Teachers may be equivalent as far as pay scales are concerned, yet they do not form a joint cadre. That being so, the petitioners having been given selection grade on the basis of wrong seniority list which was a mistake, the same could always be rectified and the selection grade withdrawn. However, the petitioners would be entitled, in their own cadre of Tailoring Mistresses, to selection grade (which is given to Classical & Vernacular Teachers) to the extent of 15% posts of Tailoring Mistresses in accordance with their seniority. If the turn of the petitioners in their own seniority list has come for the grant of selection grade (i.e. they are amongst the seniormost 15%) then, they will keep on getting the selection grade. However, if their turn has not reached for the grant of selection grade, they would not be entitled to the same. However, I make it clear that the payment on account of grant of selection grade which has already been given to the petitioners though by mistake may not be recovered at this stage specially when some of the petitioners have already retired.

5. For the foregoing reasons, this writ petition is allowed to the extent that petitioners would be entitled to the same pay scale as that of Classical & Vernacular Teachers and as far as selection grade is concerned, they will be entitled to the same to the extent of 15% posts in their own cadre depending on their seniority, I make no order as to costs.”

4. Despite best efforts, learned State counsel has been unable to controvert regards the factual position and draw out any distinctive aspects in the aforementioned judgments or cite any contrary law.

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5. In wake of the above, the present petition is disposed of in terms of **Gokal Deep Mehta** (supra).

24.04.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No