



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

RSA-944-2001(O&M)

RESERVED ON : 14.10.2025

PRONOUNCED ON : 04.11.2025

State of Haryana and others

....Appellants

Versus

Ram Sharan (since deceased) through his LRs

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Mr. Gautam Kaile, DAG, Haryana for the appellants.

Mr. Paras Chaudhary, Advocate for the respondent.

DEEPINDER SINGH NALWA, J.

1. The present Regular Second Appeal filed by the appellants/defendants has been directed against the judgment and decree dated 02.12.2000 passed by learned District Judge, Narnaul (hereinafter to be referred as 'Lower Appellate Court'), allowing the appeal filed by the respondent/plaintiff against the judgment and decree dated 10.02.1998 passed by learned Additional Civil Judge (Senior Division), Narnaul (hereinafter to be referred as 'trial Court'), whereby the suit filed by the respondent/plaintiff was dismissed.

2. The brief facts of the case are that the respondent/plaintiff was appointed as Sanskrit Shashtri Teacher vide order dated 05.01.1973 issued by Sub Divisional Education Officer, Narnaul against the fixed pay of Rs.150/- per month and worked against the said post for a period of



one month. The respondent-plaintiff was again appointed as Sanskrit Teacher in the Government High School, Kanti vide appointment dated 31.12.1973 on same terms and conditions. After some time, the respondent/plaintiff was again relieved from his duties during summer vacation on 14.06.1974. He was again appointed on the same post as Sanskrit teacher vide appointed letter dated 10.09.1977 and thereafter, continued on the said post. The respondent/plaintiff made various requests to the appellants/defendants for grant of regular pay scale and regularization of his service along with other benefits. The appellants/defendants vide letter dated 11.10.1983 informed the respondent/plaintiff that his case is under consideration and needful will be done in due course. In spite of the issuance of the abovesaid letter, the case of the respondent/plaintiff was not considered for grant of regular pay-scale or regularization of his service. Aggrieved against the abovesaid action of the appellants/defendants, the respondent/plaintiff filed a suit for declaration to an extent that respondent/plaintiff was entitled for regular pay-scale and regularization of his service along with other service benefits.

3. Upon notice, the appellants/defendants caused appearance and filed written statement in the abovesaid suit raising preliminary objections regarding maintainability of the suit and it being time-barred. On merits, it was pleaded by the appellants/defendants that the respondent/plaintiff was not entitled for the payment of regular pay-scale of Shashtri Teacher as respondent/plaintiff had passed the Shashtri course from Bhartiya Vidya Bhawan, Bombay in the year 1989, which was not



recognized by the Government of Haryana. It was further pleaded that respondent/plaintiff had been working on the fixed pay of Rs.1100/- since 01.01.1986 and on non-sanctioned post, as such, respondent/plaintiff cannot claim regular pay-scale of Shashtri Teacher. Hence, the suit of respondent/plaintiff is liable to be dismissed.

4. From the pleading of the parties, following issues were framed by the learned trial Court :-

1. Whether the order of the defendant in withholding regular scale of the post of Shashtri from 5.1.1973 and withholding the regularization of the services of the plaintiff with effect from 5.1.1973 or with effect from 10.9.1979 are wrong, illegal, against facts, arbitrary, null and void, if so to what effect?OPP.
2. If issue No.1 is proved, the plaintiff is entitled to the benefits as alleged? OPP
3. Whether the suit of the plaintiff is not maintainable in the present form?OPD.
4. Whether the suit of the plaintiff is not within limitation? OPD
5. Relief.

5. The learned trial Court vide judgment and decree dated 10.02.1998, dismissed the suit filed by the respondent/plaintiff. A perusal of the aforesaid judgment and decree passed by the learned trial Court would show that the learned trial Court has held that the respondent/plaintiff was not a member of the regular cadre of Shashtri Teachers, as such, he cannot compare his pay with the persons belonging to the regular cadre of Shashtri Teachers. Hence, the respondent/plaintiff



was not entitled for grant of regular pay-scale and regularization of his service. It was also held that the respondent/plaintiff was claiming regularization of service and other service benefits including regular pay-scale w.e.f. year 1973 and as the suit was filed by the respondent/plaintiff in the year 1992 after a lapse of 19 years, therefore, the suit was highly time-barred and was liable to be dismissed.

6. Aggrieved against the judgment and decree dated 10.02.1998 passed by the learned trial Court, the respondent/plaintiff filed an appeal against the abovesaid judgment and decree. The aforesaid appeal came up for consideration before the learned Lower Appellate Court on 02.12.2000 and learned Lower Appellate Court accepted the appeal filed by the respondent/plaintiff and set aside the judgment and decree dated 10.02.1998 passed by the learned trial Court. The learned Lower Appellate Court held the respondent/plaintiff entitled for regular pay-scale in terms of order dated 13.10.1993 Ex.PX along with arrears. A perusal of the aforesaid judgment and decree dated 02.12.2000 passed by the learned Lower Appellate Court would show that it has been proved from the evidence of RW1 Mahesh Chand, Clerk, that two other persons who had passed the Shashtri examination from Bhartiya Vidhya Bhawan, Bombay, from where respondent/plaintiff had acquired qualification of 'Shastri' have been granted regular pay-scale, as such, it was held that respondent/plaintiff cannot be denied the benefit of regular pay-scale on the ground that he had passed the Shashtri examination from university which was not recognized by the State of Haryana. It was also held that once, vide order dated 13.10.1993 Ex.PX, the service of



respondent/plaintiff has been confirmed in the scale of 1200-2040 w.e.f. 01.11.1989 and the name of the respondent/plaintiff appeared at Sr. No.130, there was no reason to issue Ex.RX dated 19.08.1998.

7. Aggrieved against the judgment and decree dated 02.12.2000 passed by the learned Lower Appellate Court, the appellants/defendants have filed the present Regular Second Appeal.

8. The only contention raised by learned counsel for the appellants/defendants is that in terms of corrigendum issued on 19.08.1998 Ex.RX wherein the pay of respondent/plaintiff was fixed in fixed grade instead of regular pay-scale, the respondent/plaintiff was not entitled for grant of regular pay-scale, without appreciating the abovementioned corrigendum, the learned Lower Appellate Court has granted the benefit of regular pay-scale w.e.f. the date of issuance of order dated 13.10.1993 Ex.PX vide which, the respondent/plaintiff was confirmed in service w.e.f. 01.11.1989. Therefore, the judgment and decree passed by the learned Lower Appellate Court dated 02.12.2000 is liable to be set aside and judgment and decree passed by the learned trial Court is liable to be restored.

9. On the other hand, the learned counsel for the respondent/plaintiff submits that once the service of the respondent/plaintiff was regularized w.e.f. 01.01.1980 vide Ex.D1 and was confirmed w.e.f. 01.11.1989 vide Ex.PX, the benefit of regular pay-scale cannot be denied to the respondent/plaintiff. It is also contended that once two similar situated persons who acquired qualification from same institution have been granted benefit of grant of regular pay-scale,



the respondent/plaintiff cannot be denied the same benefits, as such, the learned Lower Appellate Court has rightly granted the benefit of regular pay-scale in terms of Ex.PX dated 13.10.1993.

10. I have heard learned counsel for the parties at some length; perused the paper-book and have gone through the evidence led by the parties. The issue involved in the present case is whether the respondent/plaintiff is entitled for grant of regular pay with effect from the date respondent/plaintiff was confirmed in service. A perusal of the facts of the case would show that service of the respondent/plaintiff were regularized vide order dated 16.11.1992 w.e.f. 01.01.1980 Ex.D1. Respondent/plaintiff was confirmed in service vide order dated 13.10.1993 Ex.PX w.e.f. 01.11.1989. A perusal of the facts of the case would further show that on the basis of the evidence led by the appellants/defendants, two persons who had acquired qualification of 'Shashtri' from Bhartiya Vidhya Bhawan, Bombay i.e. from where the respondent/plaintiff has also acquired qualification of 'Shashtri' have been granted the benefit of regular pay-scale. It is well settled law that once the service of an employee has been regularized and he is confirmed in service, employee is entitled for regular pay-scale of the post on which he is performing the same duty as performed by other employees who are getting regular pay-scale. A confirmed employee cannot be paid less than other regular employees performing same duties in the same cadre.

11. In regard to reliance made by learned counsel for the appellants/defendants to corrigendum dated 19.08.1998 Ex.RX is concerned, a perusal of the same would show that the order of



confirmation issued to respondent/plaintiff has not been withdrawn. It only mentions that pay of the respondent/plaintiff has been fixed in fixed grade. No reason has been given as to how after service of the respondent/plaintiff has been regularized and confirmed, his pay scale is fixed in fixed grade instead of regular pay-scale. Once the services of the respondent/plaintiff was regularized and he was confirmed in service, the respondent/plaintiff after becoming member of the regular cadre, could not have been denied the benefit of regular pay-scale which was granted to other regular employees. Even otherwise, two persons who had acquired similar qualification as acquired by the respondent/plaintiff were granted the benefit of regular pay-scale, since their appointment on the post of Sanskrit Shastri Teacher, as such, there is no reason to deny the benefit of regular pay-scale to respondent/plaintiff.

12. Taking into consideration the facts of the present case and evidence led by the parties, this Court finds no infirmity or illegality in the judgment and decree dated 02.12.2000 passed by the learned Lower Appellate Court.

13. Accordingly, the present Regular Second Appeal is dismissed.

14. Pending application(s), if any, shall stand disposed of.

04.11.2025
d.gulati

(DEEPINDER SINGH NALWA)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No