



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

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1.

CWP-12562-2022

Date of decision: 12.03.2026

Gurdas Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

2.

CWP-13076-2022

Date of decision: 12.03.2026

Nigam Swarup

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Ms. Divya Sharma, Sr. Advocate with
Ms. Sheetal Rana, Advocate,
Ms. Yashika Chauhan, Advocate and
Ms. Kashika Mahesh, Advocate
for the petitioners.

Mr. Charanpreet Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

1. This order shall dispose of above-referred two writ petitions as similar questions of facts and law are involved.

2. For the sake of convenience, the facts are being taken from CWP-12562-2022 titled as Gurdas Singh v. State of Punjab and others. The petitioner has filed the instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ of certiorari for setting aside the order dated 02.02.2018 (Annexure P-7), whereby the pay scale of the post of Lecturer has been granted with effect from 01.09.1994

instead of 25.02.1989. Further, a writ of mandamus has been sought for directing the respondents to re-fix/re-calculate the pay scale/salary of the petitioner with effect from 25.02.1989 i.e. the date of his initial posting in the college cadre and release the requisite benefits to the petitioner.

3. Briefly stated, the facts of the case are that the petitioner was initially appointed as Sanskrit Teacher, vide appointment letter dated 23.02.1989 in school cadre (Annexure P-1) and he joined as such on 25.02.1989. It is the case of the petitioner that right from his initial date of joining i.e. 25.02.1989, he was posted in the college cadre and continued to work there. The petitioner and other similarly situated persons were being reverted to the school cadre and against the said action, the petitioner filed CWP No.9431 of 1992, wherein the interim stay was granted to the petitioner and he continued to work in the college cadre. Finally, the said writ petition along with other bunch of petitions were dismissed by learned Single Judge of this Court, vide order dated 28.09.2011 (Annexure P-3) and LPAs preferred against the said judgment were also dismissed by a Division Bench of this Court on 26.03.2013 (Annexure P-4) and thereafter, the said judgments were challenged by the petitioner and other similarly situated employees before the Hon'ble Supreme Court, which was allowed on 01.09.2015 with the following observations/directions:-

“16. From perusal of the letter issued by the Punjab University, Chandigarh dated 27.6.1965 addressed to the Principal of all the Institutions affiliated with the University inviting attention to the office circular dated 27.11.1963, it is clear that the decision was taken at the meeting of the syndicate held on 19.10.1963 laying down the minimum qualifications for both the teaching staffs of

the affiliated Institutions. It was further decided by the University that those teachers who are confirmed hands and over 40 years of age will be approved on the basis of their long teaching experience etc. even if they do not exactly fulfill the qualification.

17. As noticed above, the appellants have been working for the last 25 years in the respondent Institutions and teaching the students of the college. The reason given by the High Court is that for the purpose of claiming pay-scale at par with the college teachers, the minimum requirement is that one has to clear the State Level Eligibility Test. In our view, that condition will not apply so far the appellants are concerned as because on the date when they were appointed and transferred to the college there was no requirement for having the qualification of State Level Eligibility Test. The qualification of the candidate is considered at the time of appointment and not after rendering 25 years of service in the college.

*18. The submission of the State counsel is that the appellant is only Acharya and, therefore, he can only get the benefit of merger. We are unable to accept the submission made by the learned counsel. Further, the High Court is not correct in holding that merely because the appellants have higher qualifications would not mean that they automatically become entitled to the pay-scale of higher post than the post to which they were appointed. The ratio decided in the case of **State of Haryana vs. Kamal Shahrawat** will not apply in the facts of the present case for the simple reason that the appellants have been serving in the college as a lecturer for the last 25 years.*

19. After giving our anxious consideration in the matter, we are of the view that in the special facts and circumstances of the present case, the appellants are entitled to get the pay-scale at par with the teachers of the respondent college inasmuch as they have been discharging the same duties and also possessing the required qualification. However, this order will not create a precedent.

20. The appeals are accordingly allowed with no order as to costs.”

4. Learned senior counsel for the petitioner submits that the petitioner retired from service on attaining the age of superannuation on 31.12.2016 and while implementing the judgment of the Hon'ble Supreme Court, vide order dated 02.02.2018, the pay scale of the post of Lecturer (college cadre) has been granted with effect from

01.09.1994 and whereas the petitioner is entitled for the said pay scale with effect from 25.02.1989 i.e. the date when the petitioner was posted in the college cadre and continued to perform his duties.

5. Learned State counsel, while referring to the averments made in para 2 of the written statement, submits that the petitioner has rightly been granted the said pay scale with effect from 01.09.1994, when he acquired the degree of M.A. and, therefore, he is not entitled for the said pay scale with effect from 25.02.1989.

6. I have heard learned counsel for the parties and perused the record.

7. All these issues have already been considered by the Hon'ble Supreme Court, vide its judgment dated 01.09.2015 as is clear from a perusal of the reproduction made above. The Hon'ble Supreme Court in its order has observed that since the petitioner and other similarly situated employees have already rendered the services in the college cadre for the last 25 years, therefore, they cannot be reverted back to the school cadre and are also entitled to get the pay scale at par with the teachers of the respondent-college as they are discharging the same duties and are also possessing the required qualifications.

8. In this view of the matter, the action of the respondents in granting the pay scale of the post of Lecturer with effect from 01.09.1994, instead of 25.02.1989, is in clear violation of the judgment of the Hon'ble Supreme Court referred to above and consequently, the present writ petition is allowed and the impugned order dated 02.02.2018 (Annexure P-7) is set aside to the extent that the said pay scale has been granted to the petitioner with effect from 01.09.1994,

instead of 25.02.1989. Let the petitioner be released the necessary benefits with effect from 25.02.1989 instead of 01.09.1994, within a period of three months from the date of receipt of certified copy of this order.

9. Accordingly, CWP-13076-2022 is also allowed and the impugned order dated 02.02.2018 (Annexure P-6) passed therein is set aside to the extent of grant of pay scale to the petitioner with effect from 16.02.1993, instead of 13.06.1986. Let the petitioner therein be also granted the necessary benefits with effect from 13.06.1986 instead of 16.02.1993, within a period of three months from the date of receipt of certified copy of this order.

12.03.2026

Vinay

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No