

RSA-2548-2007 (O&M)

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

RSA-2548-2007 (O&M)

STATE OF PUNJAB & ORS.

..Appellants

Versus

GURBANT KAUR

..Respondent

Reserved on: 02.04.2026

Pronounced on : 09.04.2026

Uploaded on : 10.04.2026

Whether only the operative part of the judgment is pronounced?

NO

Whether full judgment is pronounced?

YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Animesh Sharma, Addl. A.G, Punjab.

Mr. Harjinder Singh, Advocate
for Mr. B.S. Bali, Advocate for respondent.

SUDEEPTI SHARMA, J.

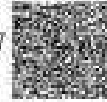
1. The present regular second appeal is filed against judgment and decree dated 09.03.2006 passed by learned Additional Civil Judge (Senior Division), Sangrur, whereby civil suit filed by the respondent was decreed in her favor, as well as judgment and decree dated 20.02.2007 passed by Additional District Judge, Sangrur, whereby appeal filed by the appellants against judgment and decree dated 09.03.2006 was dismissed.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as per the pleadings in the civil suit are that respondent joined Department Of Education on 03.01.1978 as J.B.T. teacher on *ad hoc* basis and 01.01.1980 in J.B.T. Grade. Respondent had acquired qualification of BA Part-I before entering into service and was awarded J.S.T. Grade w.e.f. 03.01.1978 vide Punjab Government letter dated 11.01.1990 and Director Public Instruction (Punjab) vide endorsement dated

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23.01.1990 refixed her pay in J.S.T. Grade. She was promoted as Social Studies Mistress on 04.11.1993 vide order dated 02.09.1993 of Director Public Instruction (Punjab). She joined on 04.11.1993 as Social Studies Mistress at Government High School, Dhaula in Grade of Rs.1560-2925/-. In the year 1998, A.G. Punjab vide memo dated 14.09.1998 raised objections regarding fixation of pay with effect from 03.01.1978 in the scale of J.S.T. Grade and as per objection she was entitled for J.S.T. Grade with effect from 01.10.1980 from her continued service and not from 03.01.1978, i.e. the day of her entering into service. Accordingly, Block Primary Education Officer refixed/reduced the pay of respondent by awarding J.S.T. Grade w.e.f. 01.10.1980 instead of 03.01.1978. Further Block Primary Education Officer Barnala as per A.G. report withdrew the J.S.T. Grade of respondent with effect from 03.01.1978 to 30.09.1988 and recovered Rs.11,580/- as alleged excessive amount drawn by respondent in J.S.T. Grade and gave notice in service book of respondent that alleged excess amount w.e.f. 01.10.1988 will be adjusted after awarding eight year proficiency step up in J.S.T. Grade, which was not awarded to the respondent. Proficiency step up of eight years of respondent was due w.e.f. 01.10.1988 in J.S.T. Grade, therefore, it was pleaded in the civil suit that the question of any recovery does not arise. And respondent is also entitled to get benefit under Assured Career Progress Scheme w.e.f. 04.11.2001 on completing eight years of service in Master/Mistress Cadre. She filed civil suit challenging order dated 07.02.2003 and for refund of Rs.11,580/- and further for grant of proficiency step up in J.S.T. Grade w.e.f. 01.10.1988 and for the benefit of eight years under A.C.P. Scheme w.e.f. 05.11.2001 on completing eight years of service in Master/Mistress Cadre along with interest at the rate of 18% per annum



from the date of entitlement till actual realization. The civil suit filed by her was decreed in her favor vide judgment and decree dated 09.03.2006 passed by learned Additional Civil Judge (Senior Division), Sangrur. The appellants-State filed appeal against the same which was dismissed vide judgment and decree dated 20.02.2007 passed by learned Additional District Judge, Sangrur. Hence, the present appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:-

3. Learned counsel for the appellants contends that both the Courts without appreciating the oral as well as documentary evidence on record, decreed the suit filed by the respondent and dismissed the appeal filed by the appellants. He therefore prays that the present appeal be allowed.

4. Per contra learned counsel for the respondent contends that both the Courts have rightly decreed the civil suit filed by the respondent and dismissed the appeal filed by the appellants. He therefore prays that the present appeal be dismissed.

5. I have heard learned counsel for the parties and have perused the whole record of the case with their able assistance.

6. A perusal of the record shows that there was no misrepresentation or fraud on the part of respondent while receiving the J.S.T. Grade and it is not even case of the appellants. Further, there is nothing on record to show that because of fault on the part of respondent, he was receiving J.S.T. Grade.

7. A perusal of the record shows that respondent had already deposited the amount of Rs.11,580/- on 07.01.2000. Both the Courts have rightly decreed the suit in favor of the respondent and dismissed the appeal



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filed by the appellants after appreciating the evidence (oral as well as documentary) on record.

DECISION

8. In view of the above I do not find any infirmity and illegality in judgment and decree dated 09.03.2006 passed by learned Additional Civil Judge (Senior Division), Sangrur and judgment decree dated 20.02.2007 passed by Additional District Judge, Sangrur, the same are hereby affirmed.

9. Accordingly, the present appeal is **dismissed**.

10. A perusal of the file of this case shows that there was no stay of the impugned judgment and decree dated 09.03.2006, therefore, learned State counsel was directed to seek instructions as to whether the judgment and decree has been implemented or not?

11. As per the instructions of the learned State counsel, judgment and decree dated 09.03.2006 has not been implemented till date.

12. Since, the present appeal pertains to the year 2007 and despite the fact that there was no stay of the impugned judgment and decree dated 09.03.2006, the same has not been implemented till date, therefore, appellants are directed to implement judgment and decree dated 09.03.2006 forthwith and to refund the amount of Rs.11,580/- along with interest at the rate of 9% per annum from the date when it was deposited by respondent i.e. 07.01.2000 till the date of payment.

13. Parties are left to bear their own costs.

14. Decree sheet be drawn.

15. Pending miscellaneous applications, if any, are also disposed of.

09.04.2026

Ayub/Sahil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

MOHD AYUB
2026.04.10 18:08
I attest to the accuracy and
authenticity of this order/judgment.

(SUDEEPTI SHARMA)
JUDGE