



RSA-730-2006 (O&M)

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

RSA-730-2006 (O&M)

State of Haryana

...Appellant

Versus

Shri Krishan and anr.

...Respondents

Reserved on: 28.04.2026

Pronounced on: 29.04.2026

Uploaded on: 04 .05.2026

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. Harish Nain, A.A.G. Haryana

Mr. Rhythm Katyal, Ms. Mehndi Singhal, Advocates
for respondent No. 1.

* * * * *

SUDEEPTI SHARMA, J.

1. The present regular second appeal is preferred against judgment and decree dated 05.08.2004 passed by learned Addl. Civil Judge (Sr. Division), Rohtak, as well as judgment and decree dated 31.10.2005 passed by learned Additional District Judge, Rohtak, whereby, civil suit filed by respondent No. 1 was decreed in his favour and the appeal filed by the appellant was dismissed.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as per civil suit are that respondent No. 1 filed civil suit for declaring the act of the appellant for not allowing the increments to him w.e.f 01.04.1994 in pay scale of Rs.2000-3500 + 200 Special Pay and excess recovery of Rs.43,593/- from his salary as illegal,

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malafaide and unwarranted. The civil suit filed by him was decreed in his favour, vide judgment and decree dated 05.08.2004 passed by learned Addl. Civil Judge (Sr. Division), Rohtak and the appeal filed against the same by the appellant, was dismissed, vide judgment and decree dated 31.10.2005 passed by learned Additional District Judge, Rohtak. Hence, the present regular second appeal.

3. Learned counsel for the appellant contends that both the Courts did not appreciate the oral as well as documentary evidence on record before decreeing the civil suit filed by respondent No. 1 and dismissed the appeal filed by the appellant. He, therefore, prays that the present appeal be allowed and judgment and decree dated 05.08.2004 passed by learned Addl. Civil Judge (Sr. Division), Rohtak, as well as judgment and decree dated 31.10.2005 passed by learned Additional District Judge, Rohtak be set aside.

4. Per contra, learned counsels for respondent No. 1 contends that there are concurrent findings against the appellant and both the Courts have rightly appreciated the evidence on record. They, therefore, pray that the present regular second appeal be dismissed.

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

ANALYSIS OF THE RECORD

6. A perusal of the record shows that admittedly, in response to application dated 13.08.1985, respondent No. 1-Sh. Krishan Kumar was appointed as Lecturer to teach two years diploma classes of Library Science with the appellant w.e.f 14.8.1985. At that time, the qualifications and

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conditions for recruitment as per letter No.E-9 (20)83-844-EST-1 dated 31.10.1983, were as under:

i) 2 class Master's degree in Library Science from a recognized University or equivalent

OR

Master's degree in Arts/Science with 2nd class Bachelor's degree in Library science

(ii) Two years professional/teaching experience.

Or

(iii) Knowledge of Hindi upto matric standard

7. The appellant advertised for the post of Lecturer in Library Science and the above referred to qualifications and conditions were mentioned in that. The nature and duties of respondent No. 1 right from the inception are of lecturer to teach Two Years Diploma classes of Library Science. The course of Library Science came under Grant-in-Aid Pattern w.e.f. 1.4.1980 and he was granted his pay scale of Rs. 2000-3200 + Rs. 200/- Special pay w.e.f. 1.4.1990. This grade was revised to Rs. 2000-3500 + Rs. 200/- Special pay w.e.f. 1.5.1990. The Audit Department of the Director, Technical Education Haryana, Chandigarh raised an objection against the grant of above said pay scale to respondent No. 1 on the ground that he did not possess the requisite qualifications as per Haryana Technical Education department (Group-B) Service Rules, 1986 (Published in Haryana Government Gazette (Extra) dated 26 September 1986), wherein the requisite qualification for direct recruitment to the post of lecturer in Library Science were as under: -

(i) Master's Degree in Library Science from a recognized university with at least 55% marks.

Or



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First class Bachelor's degree in Library Science with 2nd Class Master's Degree in Library Science.

II) Knowledge of Hindi upto matric standard.

8. In response to the aforesaid Audit Objection, respondent No.1 already replied to Director, Technical education Haryana, Chandigarh that on 14.8.1985 i.e. the date of appointment of respondent No. 1, he was possessing the requisite qualifications as required for the said post on that day. Respondent No.1 was not granted increments in salary in the pay scale of Rs. 2000-3200+Rs. 200/- Special pay since 1.4.1994. Vide letter dated 13.2.1996, appellant directed not to pay the aforesaid pay scale to respondent No. 1 and to effect the recovery of Rs. 43593/-already paid to him.

9. Admittedly vide letter dated 31.10.1983 (Ex.P6), the Haryana Public Service Commission had approved qualifications and conditions for the recruitment of the post of Lecturer, Senior Lecturer, Head of Department, Asstt. Director- Cum-Planning Director in Technical Education Department of Haryana. Appellant was also to follow those qualifications and conditions while making recruitment of the above posts in their Institute. According to Item No. 15 (Ex.P6), the qualifications for the post of lecturer in Library Science were as under: -

i) 2nd class Master's degree in Library Science from a recognized university or equivalent.

OR

Master's Degree in Arts Science with 2 class Bachelor's degree in Library Science.

(ii) Two years professional/teaching experience.

iii) Knowledge of Hindi upto matric standard.

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10. According to Ex. P6, Lecturer in Library Science (Group B) can be appointed by promotion on Seniority-Cum-Merit Basis from amongst the existing Demonstrators/ Associate Lecturers or by direct recruitment, if he possesses the qualifications referred to above. His pay scale was Rs. 600-1600+100 Special Pay. In the year 1984, a post of Lecturer in Library Science was vacant. Therefore, for filling up the same, the advertisement was published on 16.8.1984, in the Tribune, Chandigarh (Ex.P9). The applications were invited for recruitment for the post of Lecturer in Library Science. In the advertisement, the qualifications and conditions of recruitment to the post of Lecturer in Library Science were similar to the conditions mentioned in Ex.P6. Respondent No. 1 did not apply for the post in pursuance of the advertisement (Ex.P9) nor any recruitment on the post of Lecturer in Library Science was made by appellant in pursuance of the advertisement (Ex.P9). Therefore, it is clear that the qualifications for the post of Lecturer in Library Science were the same which have been given in Ex. P6.

11. On 12.8.1985, the incharge of new course with the appellant had written a letter (Ex.P2), to respondent No. 1 and informed him, to work as Lecturer in Library Science to teach Diploma Classes with them. In response, respondent No. 1 submitted his application, which was accepted and he was appointed as Lecturer w.e.f 14.08.1985 (Ex.P3). In Ex. P3 word "Instructor" in Library Science' was written. But vide letter (Ex.P5), the Principal of appellant clarified that respondent No. 1 was appointed as "Lecturer" in Library Science and not as "Instructor". Respondent No. 1 was confirmed as such w.e.f. 1.6.1988 vide letter (Ex.P4), therefore, the admitted



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fact remains that respondent No. 1 fulfilled the qualification. Respondent No. 1 was appointed as Instructor vide Ex P3 on 14.08.1985. The letter was issued to respondent No. 1 on 01.09.1990, wherein it was notified that in order dated 14.08.1985, it should be read as “Lecturer” in Library Science’ in place of ‘Instructor” in Library Science’. He was confirmed vide letter dated 13.06.1988 and .

12. In view of the above, I do not find any infirmity in the impugned judgment and decree dated 05.08.2004 passed by learned Addl. Civil Judge (Sr. Division), Rohtak, as well as judgment and decree dated 31.10.2005 passed by learned Additional District Judge, Rohtak and the same are upheld.

13. Accordingly, the present regular second appeal is ***dismissed***.

14. Decree sheet be prepared accordingly.

15. Pending application(s), if any, also stand disposed of.

29.04.2026

Gaurav Arora

**(SUDEEPTI SHARMA)
JUDGE**

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