
(2019) 01 P&H CK 0228

In the Punjab And Haryana At Chandigarh

Case No : Letters Patent Appeal No. 1513 Of 2018 (O&M)

Dr.B.S. Sharma

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision : 17-01-2019

Acts Referred:

Citation : (2019) 01 P&H CK 0228

Hon'ble Judges : Krishna Murari, CJ;Arun Palli, J

Bench : Division Bench

Advocate : Dhirinder Chopra

Final Decision : Dismissed

Judgement

1. Heard. For the reasons mentioned in the application, delay of 21 days in filing the appeal is condoned. Application stands disposed of.

LPA No. 1513 of 2018 (O&M)

This intra-court appeal under clause X of the Letters Patent is directed against the judgment and order dated 13.07.2018 passed by the learned Single Judge dismissing the writ petition filed by the appellant-petitioner seeking quashing of the letters dated 08.02.2012 and 11.02.2012 rejecting the claim for grant of two advance increments on the basis of Ph.D. degree.

2. The facts are that on the basis of the letter dated 02.02.2007 of the University Grants Commission clarifying that any lecturer in selection grade as and when acquires Ph.D. degree is eligible to receive two advance increments w.e.f. 27.07.1998 or the date of award of Ph.D. degree whichever is later, the Department of Higher Education, Haryana issued instructions dated 20.11.2007 that the benefit of two advance increments accordingly shall be allowed to such lecturers who acquire Ph.D. degree after being placed in selection grade till they are granted the time scale of Rs.14,940/-.

3. The appellant-petitioner who was working as Lecturer (selection grade) in DAV

College, Pundri, District Kaithal, made a claim for the same on the ground that he was awarded degree of Doctor of Philosophy by Kurukshetra University on 23.03.1982. Admittedly, the appellant-petitioner retired from service on 31.12.1998. Although the DAV College, Pundri vide letter dated 05.11.2011 recommended the case of the appellant-petitioner for grant of two additional increments but the same was rejected by respondent No.2 vide order dated 08.02.2012 on the ground that he was already getting salary of Rs.14,940/- in the grade w.e.f. 01.01.1996.

4. The Government after reviewing the matter had issued the following instructions on 20.11.2007 in respect of grant of two additional increments on acquiring a Ph.D. degree by a lecturer "now as per clarification of the UGC the State Government has decided to allow the benefit of two advance increments from 27.07.1998 or the date of award of Ph.D. degree whichever is later to the lecturers who acquire Ph.D. degree after being placed in Selection grade till they are granted the time scale of Rs.14,940/-".

5. Learned Single Judge after considering the pleadings of the parties dismissed the writ petition vide order impugned in this appeal. It is an undisputed factual position that the appellant-petitioner was appointed as Lecturer in Hindi w.e.f. 02.08.1972 and was awarded Ph.D. degree on 23.03.1982. He was awarded selection grade and his pay was fixed at Rs.14,940/- and thus his claim for grant of two additional increments on the basis of Ph.D. degree is not tenable in the light of the instructions dated 20.11.2007. Thus there exists no error in the decision taken by the respondents in refusing the claim of the appellant-petitioner and the writ petition filed by the appellant-petitioner was rightly dismissed by the learned Single Judge. The impugned order thus does not call for any interference. The appeal is devoid of merits and accordingly stands dismissed.