
(2011) 11 UK CK 0092

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 963 of 2009

Gajendra Singh Mehara and others

APPELLANT

Vs

State of Uttarakhand

RESPONDENT

Date of Decision : 17-11-2011

Acts Referred:

Citation : (2011) 11 UK CK 0092

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Hon"ble Sudhanshu Dhulia, J.—Heard Mr. N.S. Negi, Advocate for the petitioners and Mr. N.P. Sah, Standing Counsel present for the State of Uttarakhand.

2. The petitioners are Assistant Teachers (L.T. Grade) working in various Higher Secondary Schools and Government Intermediate Colleges (as the case may be). Their contention is that as per the Government Order dated 12.7.2002 (Annexure no. 4 to the writ petition) after completion of 10 years of satisfactory service on the post of Assistant Teacher (L.T. Grade) they are entitled for selection grade and thereafter after completion of 12 years of subsequent satisfactory service, they are further entitled for promotional pay scale. The petitioners though were given this selection grade after completion of 10 years of satisfactory service, however, they are not being given promotional pay scale on the ground that there is a condition stipulated in the Government Order dated 12.7.2002 which says that the promotional scale shall only be given to such Assistant Teachers who are postgraduates.

3. This condition of the respondents is though absolutely arbitrary, as submitted by the petitioner, inasmuch as such a condition has not been imposed on any other teachers (barring Assistant Teachers L.T. Grade).

4. The other contention of the petitioners is that they have already received the selection grade i.e. the salary equivalent to the Lecturer grade. The qualification

for appointment of a Lecturer is post graduation. The salary which the petitioners are getting is that of Headmaster of a primary school for where there is no requirement of post graduation. Moreover, since the selection grade has already been given to the petitioner which is equivalent to the Lecturer grade, there is no plausible reason for denying the promotional pay scale to the petitioner on the ground that they are not post graduates, as it has no nexus with the object sought to be achieved. The object for giving selection grade and thereafter promotional pay scale to an Assistant Teacher (L.T. Grade) is that promotional avenues for them are limited and where promotions cannot be made, higher pay scale of above post is to be given. The requirement from the petitioners for being post graduates seems to be unreasonable and, for the reasons already stated above, as it has no nexus with the object sought to be achieved. The petitioners are not being given the above post but only the pay scale of that post!

5. Writ petition is therefore liable to be allowed and is hereby allowed. The respondents are directed to give the petitioners promotional pay scale after completion of 12 years satisfactory service in a selection grade. Needful be done within a period of three months from today.

6. No order as to costs.