
(2012) 03 SHI CK 0388
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 1892 of 2008-G

Rajinder Prasad Sankhyan	Vs	APPELLANT
State of Himachal Pradesh		RESPONDENT

Date of Decision : 07-03-2012

Acts Referred:

Citation : (2012) 03 SHI CK 0388

Hon'ble Judges : Rajiv Sharma, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Justice Rajiv Sharma, Judge

1. Petitioner was appointed as Trained Graduate Teacher on 23.7.1973. He was promoted to the post of Head Master on 27.11.2002 and was consequently promoted as Principal on 23.5.2006. One Sh. Chander Mani was appointed as Trained Graduate Teacher on 28.7.1973. He was promoted Head Mater on 16.12.2002, has been paid higher salary. Petitioner made representation but the same till date has not been decided. Petitioner's pay was fixed at Rs. 9,750/- and that of Sh. Chander Mani at Rs. 10,025/- with effect from 2002. Petitioner has already exercised his option within one month from the date of joining as Head Master as well as Principal, but till date his grievance has not been redressed. The fact of the matter is that junior to the petitioner started drawing higher salary, which is not permissible under law. It is settled law by now that the junior cannot draw higher salary than senior. This question is no more res integra in view of the definitive law laid down by their Lordships of the Hon'ble Supreme Court in Er. Gurcharan Singh Grewal and Another Vs. Punjab State Electricity Board and Others, . Their Lordships have held as under:

17. Something may be said with regard to Mr. Chhabra's submissions about the difference in increment in the scales which the appellant No. 1 and Shri Shori are placed, but the same is still contrary to the settled principle of law that a senior

cannot be said lesser salary than his junior. In such circumstances, even if, there was a difference in the incremental benefits in the scale given to the appellant No. 1 and the scale given to Shri Shori, such anomaly should not have been allowed to continue and ought to have been rectified so that the pay of the appellant No. 1 was also stepped up to that of Shri Shori, as appears to have been done in the case of the appellant No. 2.

2. Accordingly, in view of the observations and discussions made hereinabove, the petition is allowed. Respondents are directed to grant the same pay which has been granted to Sh. Chander Mani from the due date, within a period of ten weeks, from the date of production of certified copy of this judgment by the petitioner. There shall, however, be no order as to costs.