
(1996) 11 AHC CK 0095

In the Allahabad High Court

Case No : Civil Miscellaneous W. P. No. 473 of 1983

S.N.Agarwal and Another

APPELLANT

Vs

State of U.P.and Others

RESPONDENT

Date of Decision : 27-11-1996

Acts Referred:

Citation : (1996) 11 AHC CK 0095

Hon'ble Judges : B.M.Lal, J and R.K.Mahajan, J

Final Decision : Disposed Of

Judgement

R. K. Mahajan, J.—By this writ petition the petitioners seek the following reliefs :

(i) Issue a writ, order or direction in the nature of certiorari quashing the part of Government order which limits the rule regarding fixation of pay to Senior Lecturers appointed till 7101974.

(ii) issue a writ, order or direction in the nature of mandamus commanding the respondents to treat Senior Lecturers who became Senior Lecturers between 8101974 and 28121974 also at par with Senior Lecturers appointed prior to 8101974 in the matter of fixation of pay in the new scale.

2. The petitioners are senior lecturers working in Bareilly College, Bareilly. The petitioner No. 1 was appointed senior lecturer on 4.12.1974 and the petitioner No. 2 claims to have reached senior lecturer scale on 25101974. The controversy is about their placement in the now grade of Rs. 7001600 applied from 111973 vide annexure No. 2. It is relevant to refer the grade which were they getting earlier i.e. Rs. 7001100 New scales of Rs. 7001600 was applied to Senior Lecturers, Readers w.e.f. 111974 vide Government Order dated 28121974. The grade of Readers and Senior Lecturers were same. Those who were working as Senior Lecturers on 111973 and those who were appointed between 111973 and 7101974 were placed at Rs. 1100 in uniform scale of Rs. 1700401100501300Assessment501600 vide annexure No. 2. Para No. XIII of the Appendix Kha of this Government Order mentioned in annexure No. 2 runs as

follows

"XIII The existing postgraduate teachers in the colleges who are designated as senior lecturers/readers in the scale of Rs.7001100 shall be placed in the revised scale of Rs. 7001600. Separate orders will be issued with regard to fixation of salary of these teachers."

3. The petitioners made representations to the Vice Chancellor and even to Chief Minister but all ended in vain. The grievance of the petitioners is that they belong to the same class and performing the same nature of duties and they should not have been discriminated in the matter of placement/fixation of pay visavis their colleagues who were appointed Senior Lecturers prior to 7101974. They alleged that the act of the Government is discriminatory, arbitrary and against the spirit of Article 14 of the Constitution of India.

4. The State Government filed counter affidavit and pleaded that the authorities had banned the appointment of Readers from 7101974 so, therefore, they have not been placed in the revised scale. This letter related only to Readers. The petitioners are Senior Lecturers in pursuance of Government policy for appointing 25% senior Lecturers in the college.

5. We are of the opinion that the cut off line has been drawn arbitrarily. So far Senior Lecturers are concerned it is unreasonable to the object to be achieved specially when the Government put all the categories in the same scale of Rs. 7001600. It is not a well reasoned differentiation and has no relevant nexus to the object to be achieved. There cannot be inequality between two equals and within the same class. We are of the view that Senior Lecturers appointed between 7101974 and 28121974 should be treated on the same footing as Senior Lecturers appointed prior to 8101974 in the matter of placement within the new revised scale and we further direct that they be fixed accordingly from the date of appointment in the new revised scale. No order as to costs.