

(1996) 11 SC CK 0013

In the Supreme Court Of India

Case No : Civil Appeal No. 15057 of 1996, (arising out of S.L.P. (C) No. 13370 of 1996)

State of Punjab and others

APPELLANT

Vs

Lal Singh and others

RESPONDENT

Date of Decision : 18-11-1996

Acts Referred:

Citation : (1996) 9 AD 385 : AIR 1997 SC 2574 : (1997) AIRSCW 2524 : (1996) 12 JT 229 : (1996) 8 SCALE 696 : (1996) 11 SCC 657 : (1996) 8 SCR 718 Supp

Hon'ble Judges : K. Ramaswamy, J;G. B. Pattanaik, J

Bench : Division Bench

Advocate : Manoj Swarup, for the Appellant; M.N. Krishnamani, R.C. Kaushik, Satpal Singh and D.K. Garg, for the Respondent

Final Decision : Allowed

Judgement

1. Delay condoned.
2. Leave granted.
3. We have heard learned Counsel on both sides.
4. This appeal by special leave arises from the order of the Punjab and Haryana High Court, made on November 2, 1995 in CWP No. 16409/92. The controversy raised is for the advance increment. In which scale of pay the respondents are entitled to advance increment is the question? Admittedly, the respondents were appointed on substantive posts of JBT Teachers and they were temporarily promoted as Head Teachers. The scale of pay for the JBT Teachers is Rs. 1200-2100. They are discharging the duties temporarily as Head Teachers in the initial pay of Rs.-1410. They claimed advance increment for discharging the duty as Head Teachers. The High Court has construed that they are entitled to the advance increment as Head teachers, Rule 4(4) of the Punjab Civil Service Volume I, part 1 which reads as under:

4.4. The initial substantive pay of a Government employee who is appointed substantively to a post on a time-scale of pay is regulated as follows:

(i) when appointment to the new post involves the assumption of duties or responsibilities of greater importance (as interpreted for the purpose of rule 4.13) than these attaching the such permanent post, he will draw as initial pay the stage of the time-scale next above his substantive pay in respect of the old post.

5. A reading thereof would clearly indicate that initial substantive pay of a Government employee who is appointed substantively to a post on a time-scale of pay, is regulated, if he holds a lien on a permanent post, other than a tenure post and when appointment to the new post involves the assumption of duties or responsibilities of greater importance, then he will draw as initial pay the stage of the time scale next above his substantive pay in respect of the old post. Thus, it could be seen that when JBT Teachers was appointed temporarily as a Head Teacher, he is entitled to draw, since he is holding responsibilities of greater importance as a Head Teacher, one advance increment in his old post in the time scale next above the substantive pay on the date of his temporarily promotion as a Head Teacher.

6. The appeal is accordingly allowed. The order of the High Court stands modified. They are entitled to one advance increment in the scale of JBT Teacher at the time of promotion while discharging the duties as Head Teachers. No costs.