
(2000) 08 P&H CK 0015
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 15157 of 1998

Sudarshan

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 30-08-2000

Acts Referred:

Punjab Civil Services Rules — Rule 4.4

Citation : (2000) 08 P&H CK 0015

Hon'ble Judges : Nirmal Gill, J;A.S. Gill, J

Bench : Division Bench

Advocate : Mr. H.N. Khanduja, for the Appellant; Mr. R.S. Tacoria, Addl.A.G. and Mr. C.R. Dahiya, DAG, for the Respondent

Judgement

A.S. Gill, J.—This petition is disposed of finally at this stage with the consent of learned counsel for the parties as the controversy raised in this petition appears to be covered by the decision of this Court as well as of the Apex Court.

2. The case of the petitioners in brief is that they were working as JBT Teachers and subsequently on the basis of seniority-cum-merit they were promoted as Head Teachers. However, the respondents are not allowing promotional increment as envisaged under Rule 4.4 of C.S.R. Volume I, Part I. The respondents after obtaining advice from the Finance Department, Haryana have taken a view that Social Study Masters are not entitled to such increment of promotion from the post of JBT etc. as they have already been granted equal grade of Masters as per their higher qualification. This Court has already held in CWP No. 10770 of 1988 relying upon the decision of Lakh Raj Khara V. Punjab State 1986(3) SLR 410 that one increment of higher responsibility/duties is available to JBT Teachers on promotion as Head Teacher/Central Teacher. The Supreme Court of India in State of Punjab v. Lal Singh and others 1996(6) SLR 642 ; 1998 (1) SCT 52 (SC) has likewise held so. In the circumstances, the respondents are required to consider the case of the petitioners for grant of promotional increment in accordance with law keeping in view the decision in

Lekh Raj Khera's case (supra) and Lal Singh and others" case (supra).

3. The petition is allowed and the respondents are directed to consider the case for grant of one increment on account of their promotion to the next higher rank expeditiously preferably within 3 months from the date of receipt of copy of the order.

4. Petition allowed.