

SUPREME COURT OF INDIA

State of U.P.

Vs.

Pratap Narain Chaddha

(M.J. Rao and Doraiswamy Raju JJ.)

19.07.2000

ORDER

1. Special leave granted.

2. The civil appeal is preferred by the State of U.P. and others questioning the judgment of the High Court of Allahabad dated 24th May, 1999 in Civil Miscellaneous Writ Petition No. 11161 of 1997. The respondents (writ petitioners) are lecturers in Northern Regional Institute of Printing Technology at Allahabad. In the writ petition the writ petitioners, sought a writ of mandamus directing the appellants herein to grant the benefit of the Government order dated 20th November, 1993 which gave the scale of Rs. 3000-4500/- on completion of 8 years of satisfactory service to lecturers in the grade of Rs. 2000-4000/- in Government Polytechnic. It was also prayed that parity be granted to the writ petitioners regarding pay and all other benefits as were available to the lecturers in Government Polytechnic. The High Court of Allahabad allowed the writ petition by the judgment under appeal. The State of U.P. has come up in appeal.

3. The brief facts of the case are as follows:

The writ petitioners are the lecturers working in the Northern Regional Institute of Printing Technology at Allahabad. Initially, their scale of pay was Rs. 550-1200/- but at the end of five years of satisfactory services the scale was to be revised to Rs. 850-1720/-. These scales were subsequently revised as Rs. 1600-2660/- and Rs. 2200-4000/- respectively. The claim of the writ petitioners was that they should get the scale of Rs. 3000-4500/- on completion of 8 years of service as lecturers in the scale of Rs. 2200-4000/-, just as lecturers in Government College were getting.

4. The State Government contested the writ petition stating that in the Government Polytechnic the aforesaid scales were being given to those who were graduates having Engineering/Technologies of AMIE whereas the writ petitioners are the Diploma holders in printing and other connected subjects. It was contended that the difference in educational qualification was sufficient to justify difference in scales of pay.

5. It appears that at one stage, the Second Pay Commission went into this question and found that so far as the printing and other allied subjects were concerned no Degree Course was available and

therefore it would be unjust to deprive of the Diploma holders from the higher scales of pay. It appears that the Pay Commission recommended that the Diploma holders in this Institute who had initially been recruited in the scale of Rs. 1600-2660 and who, after 5 years of service were brought under the scale of Rs. 2200-4000/- should be given the scale of Rs. 3000-4500/- after they put in 8 years of satisfactory service in the grade of Rs. 2200-4000/-, just as in the case of graduate lecturers in Government Polytechnic.

6. In other words, the Pay Commission meant that the deficiency in the educational qualifications of the Diploma holders was sufficiently offset by the extra service as lecturer for initial period of experience of 5 years when they were brought into the scale of Rs. 2200-4000/-. Thereafter, the Diploma holders with 5 years of service in the scale of Rs. 2200-4000/- would have to be equated with the Engineering Graduates in the Government Polytechnic who after putting 8 years of service in the grade of 2200-4000/- were entitled to the scale for Rs. 3000-4500/-.

7. As stated in the rejoinder filed in the High Court by the writ petitioners the said grade of Rs. 3000-4500/- was in fact paid to all the Diploma holders who, after reaching the scale of Rs. 2200-4000/- had put in a further period of 8 years of service till 1993. In other words, once a Diploma holder had put in 13 years in the Government Polytechnic which included 8 years of satisfactory service in the grade of Rs. 2200-4000/- he was getting the scale of Rs. 3000-4500/-. This went on till 1993 and it appears that under one of Government orders issued in 1993, the lecturers in the institute were excluded from this benefit. It was for this reason that the writ petition came to be filed in the High Court.

8. In our view, the High Court was right in relying upon the report of the Pay Commission and the implementation by the Government and quashing the withdrawal of the benefit of the scale of Rs. 3000-4500/-.

9. Learned Counsel appearing for the State of U.P. has placed reliance on the judgment of this Court in State of Tamil Nadu and Anr .v. M.R. Alagappan and Ors. . In that case the persons claiming parity in service with another group belonged to a different service and there was also difference in educational qualifications. It was on that basis that it was held that the parity could not be granted to the writ petitioners.

10. But in the present case while it is true that there is difference in educational qualifications, the Pay Commission felt-particularly in the light of the fact that there was no degree course available in printing technology that once the Diploma holders put in 5 years in the grade of Rs. 1600-2660/- they should be treated at par with the Degree holders in Government Polytechnic. Once the Diploma holders in the Institute put in 5 years they were to get the scale of Rs. 2200-4000/-. Then they were to be equated with graduate lecturers in Government Polytechnic who, to start with, were in the scale of Rs. 2200-4000/-. Once they get this grade it would be but fair that after putting in 8years of service in the grade of Rs. 2200 4000/-, they should also have the same treatment as the lecturers in the Government Polytechnic who after 8 years of service in the grade of Rs. 2200/4000/-were being given the scale of Rs. 3000-4500/-. The benefit of the scale was given after the total service of 13 years was put in by these Diploma holder lecturers in the Institute. This was based on the report of the Pay Commission and implemented upto 1993 and its withdrawal in 1993 by the Government was arbitrary and the High Court rightly set aside the same.

11. For the aforesaid reasons, we see no ground for interference with the appeal and the same is

dismissed accordingly. There shall be no order as to costs.