

# SUPREME COURT OF INDIA

State of U.P.

Vs.

U.P. Polytechnic Diploma Shikshak Sangh

(M.Jagannadha Rao and Doraiswamy Raju JJ.)

11.08.2000

## ORDER

1. Leave granted.

2. The High Court passed an order in the following terms:

The petitioner No. 1 is an association of Assistant Teachers in various Government aided Polytechnics in UP. They are demanding same pay scale as the Assistant Lecturers of Government Polytechnics and selection grade.

The Supreme Court in State of H.P. v. H.P. State Recognised and Aided Schools Managing Committees and Ors. , has decreed a similar claim.

Following the aforesaid decision this petition is allowed. The prayer of the petitioner is granted with effect from the date when the Assistant Lecturers in Government Polytechnics were granted pay scale and selection grade.

3. This Court on 19.11.99 passed an order, tagging this matter with another SLP. But subsequently, the said order was recalled. This matter has now once again been listed before us.

4. After hearing Counsel on both sides, we are of the view that the judgment of the High Court is correct in applying the judgment of this Court in State of H.P. v. H.P. State Recognised and Aided Schools Managing Committee and Anr. [supra]. In order words, the Assistant Lecturers in Government aided Polytechnics will be entitled to the same scales as granted to the Assistant Lecturers in Government Polytechnics.

5. But so far as the period from which above scales and selection grade have to be given, the matter has been argued before us. The High Court has granted the relief with effect from the date when the Assistant Lecturers in Government Polytechnics were given selection grade. However, we are inclined to modify this order. The above scales and selection grade will be granted to the writ petitioners not from the date as directed by the High Court, but from the date on which the Civil Misc. Writ Petition No. 36338 of 1995 was filed by the writ petitioners before the High Court.

6. With above modification, the appeal is allowed in part and disposed of in the above terms. There will be order as to costs.

