

**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

WP(C) No. 456/2020
CM No. 1011/2020

Sunil Singh

..... Petitioner (s)

Through:- Mr. Dhiraj Choudhary, Advocate

V/s

Union Territory of J&K and
others

.....Respondent(s)

Through:- Mr. C. M. Koul, Sr. AAG

Coram : HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE

ORDER

1. Petitioner was initially engaged as Rehbar-e-Taleem (ReT) in the Government Middle School Radhani, Zone Kotranka, District, Rajouri vide order dated 28.06.2003 and thereafter he was regularized as General Line Teacher vide order dated 28.06.2008. The petitioner subsequently qualified Bachelor of Science(B.Sc) from the Indira Gandhi National Open University (IGNOU) on 25.08.2015 and applied for grant of post facto sanction to his graduation degree to consider him as Graduate Teacher. Respondent No. 4 vide his letter dated 21.09.2016 forwarded the case of the petitioner seeking post facto sanction to the Chief Education Officer, Rajouri-respondent No. 3. Respondent No. 3 vide his order dated 05.03.2018 granted post facto sanction to him for his B.Sc degree for the session 2014-15.

2. The grievance of the petitioner is that he is entitled to time bound promotion or in situ promotion after the completion of nine years of service. First time bound promotion was given to him in the year 2017 but the same was granted as under graduate teacher and not as of graduate teacher, resultantly he

has received lower pay scale of Rs. 5200-20200+2800 with effect from 01.07.2017.

3. It is submitted that it was incumbent upon the respondents to give post facto sanction to the graduation degree of the petitioner before the grant of first time bound promotion since he had applied for the same in the month of September, 2016, but the same was accorded to him by the respondents only on 05.03.2018. Thus, the delay in sanction of post facto to the graduation degree of the petitioner has resulted in denial of the pay scale of Rs. 9300-34800+4200 despite being entitled to the same and has also resulted in financial loss to him. Therefore, he approached to the respondents to re-fix his pay scale of Rs. 9300-34800+4200 with effect from 01.07.2017 by giving him first time bound promotion as graduate teacher but despite all his efforts, the same has not been done.

4. Learned counsel for the petitioner submits that petitioner would feel satisfied in case a direction at this stage is issued to the respondents to consider the case of the petitioner for grant of post facto sanction with effect from 01.07.2017 and grant him the benefit of pay scale of Rs. 9300-34800-4200 by considering him as graduate teacher.

5. Mr. C. M. Koul, learned Sr. AAG enters appearance on behalf of the respondents and submits that he has no objection if the case of the petitioner is directed to be considered.

6. In view of the aforesaid and considering the nature of the relief sought, this petition is disposed of by directing the respondents to consider the case of the petitioner for grant of post facto sanction to his qualification of graduation and

thus grant him pay scale of the same strictly in accordance with rules. Let this exercise shall be completed by the respondents within a period of six weeks.

7. Disposed of alongwith CM.

(Sindhu Sharma)
Judge

JAMMU
14.02.2020
SUNIL-II

Whether the order is speaking?	Yes/No
Whether the order is reportable?	Yes/No

