

A STATE OF PUNJAB AND ORS.

v.

LAL SINGH AND ORS.

NOVEMBER 18, 1996

B [K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

*Service Law:*

*Punjab Civil Services Rules, (1953):*

C *(Vol. I, Part I), Rule 4 (4)—Advance increment—JBT Teachers—Temporarily appointed as Head Teachers—Claim for one advance increment in the pay scale of Head Teacher—Held, when JBT teacher is appointed temporarily as a Head teacher, a post involving responsibilities of greater importance, he is entitled to draw one advance increment in his old post in the time scale next above the substantive pay in the scale of JBT Teacher*  
D *on the date of his temporary promotion as a Head Teacher.*

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 15057 of 1996.

E From the Judgment and Order dated 2.11.95 of the Punjab and Haryana High Court in C.W.P. No. 16409 of 1992.

Manoj Swarup for the Appellants.

F M.N. Krishnamani, R.C. Kaushik, Satpal Singh and D.K. Garg for the Respondents.

The following Order of the Court was delivered :

Delay condoned.

G Leave granted.

We have heard learned counsel on both sides.

H 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 I 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”.

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.

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.

R.P.

Appeal allowed.