

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).4702 OF 2009

STATE OF PUNJAB & ANR.

... APPELLANT(S)

VERSUS

DR. SHANGARA SINGH & ANR.

...RESPONDENT(S)

O R D E R

Heard learned counsel for the parties.

The appellants have questioned the correctness of the judgment and order dated 15.07.2005 passed by High Court of Punjab and Haryana at Chandigarh in CWP No.13579 of 2003, wherein the writ petition was allowed quashing Annexure-P/9 impugned therein and having quashed the impugned order held that the respondent, the Principal, Ramgaria College of Education, Phagwara, District Kapurthala, is entitled to the pay scale 16400-22400 with effect from 01.01.1996. The correctness of the same has been questioned placing reliance upon the notification

issued by the University Grants Commission, wherein clause 5 reads thus:

"5.0 The University Grants Commission expects that the entire scheme of revision of pay scales, together with all the conditions attached to it, would be implemented by the State Government as a composite scheme without any modifications, except the date of implementation and the scales of pay as indicated in Government of India notification No.F.1-22/97-U.I. dated 27.7.98, 22.9.98 and 6.11.98. It shall be necessary for the Universities and the management of Colleges to make the necessary changes in their statutes, ordinances, rules, regulations, etc. to incorporate the provisions of this scheme."

We have very carefully gone through the impugned judgment and order of the Division Bench of the High Court. The High Court after adverting to the legal contentions urged by the parties, has rightly placed reliance upon the Constitution Bench judgment of this Court in the case of All India Reserve Bank Retired Officers Association & Ors. v. Union of India, AIR 1992 SC 767 and D.S. Nakara v. Union of India, AIR 1983 SC 130 and held that the action of the appellants herein in not extending the pay scales for which they are entitled, is in violation of Articles 14 and 16 of

the Constitution of India. The reliance placed upon clause 5 of the Notification aforesaid has absolutely no relevance in view of the Constitution Bench judgment of this Court in the case of All India Reserve Bank Retired Officers Association, supra and D.S. Nakara, supra, the said contention has rightly been rejected by the Division Bench of the High Court. Therefore, we do not find any good reason to interfere with the impugned judgment and order in exercise of our appellate jurisdiction. Further, the appellant has not shown that there is any miscarriage of justice for our interference. Thus, in our considered view, the High Court has rightly quashed the impugned order challenging the writ petition and granted the relief.

In view of the above, the appeal must fail, which is accordingly dismissed.

Pending application(s), if any, also stand(s) disposed of.

.....J.
(V. GOPALA GOWDA)

.....J.
(ARUN MISHRA)

NEW DELHI,
DECEMBER 02, 2015

ITEM NO.101

COURT NO.10

SECTION IV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 4702/2009

STATE OF PUNJAB & ANR.

Appellant(s)

VERSUS

SHANGARA SINGH & ANR.

Respondent(s)

Date : 02/12/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA

HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s) Mr. Dhananjay Baijal, adv.
Mr. Arun K. Sinha, Adv.

For Respondent(s) Mr. Rajat Sharma, Adv.
Dr. Kailash Chand, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed
order.

Pending application(s), if any, also stand(s)
dismissed.

(VINOD KUMAR)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER

(Signed order is placed on the file)