

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).11149/2007

(From the judgement and order dated 13/03/2007 in WP No. 4048/1985 of
The HIGH COURT OF JUDICATURE AT ALLAHABAD)

RAMCHANDRA AGARWAL (D) THROUGH LRS. Petitioner(s)

VERSUS

STATE OF U.P.& ORS. Respondent(s)

(With office report)

Date: 15/03/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s)

Mr.Bharat Sangal,Adv.,
Ms.Mrinalini Oinam,Adv.,
Ms.Vernika Tomar,Adv.

For Respondent(s)

Mr.Shrish Kumar Misra,Adv.,
Garvesh Kabra,Adv.

Mr. P.K. Jain ,Adv

Dr. I.B Gaur ,Adv.,
Mr.S.S. Nehra,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

Appeal is disposed of in terms of the signed order.

Parties are directed to bear their own costs.

(V.K. SHARMA)
AR-CUM-PS

(NEERU BALA VIJ)
Court Master

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2418 OF 2010
(Arising out of S.L.P.(C) No.11149/2007)

Ramchandra Agarwal (D) Through Lrs.
..Appellant

Versus

State of U.P. & Ors.
..Respondents

ORDER

We have heard the learned counsel for the parties.

Leave granted.

This appeal is directed against the judgment of the High Court of Judicature at Allahabad dated 13.3.2007 passed in Civil Miscellaneous Writ Petition No.4048/1985. The appellant was selected to the post of Principal in J.V. Jain College, Saharanpur, vide appointment letter dated 23.5.1975 in the grade of 1500-2500/- with five increments. Three increments subject to the approval of the Vice-Chancellor and remaining two increments subject to the approval of the State Government. According to the statute 6.05(11) of the First Statutes of the Meerut University, Meerut framed under Section 50 of the U.P. State Universities Act, 1973 which reads as under:

"6.05(11). The Selection Committee may recommend the grant upto five increments over the initial salary in the time scale allowed for the post of in case of specially qualified persons and if the Management agrees, it may make a recommendation accordingly to the Vice-Chancellor, who may in his discretion grant upto three increments himself and recommend to the State Government for grant of more than three increments."

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In the instant case, the appellant was granted five increments. Three increments were granted with the approval of the Vice-Chancellor and remaining two increments subject to the approval of the State Government. This was incorporated in his appointment letter. The Deputy Secretary (Education Section), Government of Uttar Pradesh, Lucknow, vide letter dated March 22, 1976 clarified the position and clearly mentioned that as far as three increments are concerned, there is no arrangement for receiving the approval of the Government. The letter reads as under:

"3796/15-76(II)- 18(84) 176
Dr. Maya Ram
Deputy Secretary

Lucknow, March

22,1976
Education Section
Government of Uttar Pradesh
Lucknow.

Sub: Advance Increments to Dr.R.C. Agrawal,
Principal, J.V.Jain College, Saharanpur.

Sir,

With reference to your letter No.A.F.13(1) 284

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dated 26 April regarding the subject mentioned above, I have been directed to state that from your letter it is clear that the aforesaid three advance increments have been given to Dr. Agrawal with a view that the Government would grant approval to the same now that the Selection Committee has recommended 5 advance increments, three with the sanction of the Vice-Chancellor and two with the sanction of the Government. Therefore kindly clarify the factual position. If only three increments are to be approved then there is no arrangement for receiving the approval from the Government. If there is a proposal of five wage increments then kindly send complete description of Educational qualifications and teaching experience and pay

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received on earlier post of Dr. Agrawal.

Sd/- Maya Ram
Deputy Secretary
Education(II)

Section
Pradesh

Govt. of Uttar
Lucknow"

As far as three increments were concerned, the Vice-Chancellor was within his power to grant three increments and no approval of the State Government was necessary even according to the stand of the Government. The statute is quite clear that as far as three increments are concerned, no approval of the State Government is necessary and it is also clear from the letter dated March 22, 1976.

We are clearly of the view that the appellant was clearly entitled to the three increments which have been wrongly withheld by the State Government. Consequently, we direct the State Government to grant three increments from 1.7.1975 till the date of his

superannuation. The appellant would also be entitled to interest on this amount at the rate of 6 per cent per annum. Regarding remaining two increments, it was clearly stated in the appointment letter that those two increments would be subject to approval of the State Government and admittedly approval was not granted. Therefore, the appellant would be entitled only to three increments and for that we have issued directions.

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The amount be granted to the legal heirs of the appellant and in case the amount is not paid within three months from today then the appellant would be entitled to interest at the rate of 12 per cent on the entire amount. The appeal is accordingly disposed of. The parties are directed to bear their own costs.

J

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(Dalveer Bhandari)

J

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(A.K. Patnaik)

New Delhi,
March 15, 2010