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SAHIB RAM

v.

THE STATE OF HARAYANA AND ORS.

SEPTEMBER 19, 1994

B

[K. RAMASWAMY AND N. VENKATACHALA, JJ.]

Service Law :

C

Government College—Librarian—UGC recommendation—Revision of pay scales subject to possessing minimum educational qualifications of first or second class—Relaxation in qualifications—Held Permissible only in obtaining first or second class in the prescribed educational qualifications but not in the education qualifications itself—Principle of Equal Pay for Equal work—Applicability of.

D

The appellant was appointed on July 29, 1972 as a Librarian in a Government College in the pay-scale of Rs. 220-550. Pursuant to the recommendations of the University Grants Commission, the Government of India upgraded the pay scales of Librarians with effect from 1.1.1973 to Rs. 700-1600 subject to the condition that they possess the minimum educational qualification of first or second class M.A., M.Sc., M.Com. plus a first or second class B. Lib. Sc. or a diploma in Library Science. Later, it was decided that the Librarians who were appointed in Colleges on or before 3.12.1972 may be sanctioned the upgraded scale in relaxation of the qualification prescribed without insisting on first or second class in the degree, diploma or other prescribed educational qualification. The appellant was allowed the revised pay-scale by the principle of his college but later the Government issued direction to the principal to withdraw the upgraded scale allowed to him. The appellant unsuccessfully challenged the direction before the High Court.

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In appeal to this Court, it was contended that since the appellant was granted upgraded scale in relaxation of the educational qualifications, the High Court erred in dismissing the petition.

Allowing the petition in part, this Court

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HELD : The relaxation given was only as regards obtaining first

class or second class in the prescribed educational qualification but not relaxation in the educational qualification itself. Since the appellant does not possess the required educational qualifications, he would not be entitled to the relaxation. The Principal erred in granting him the relaxation. However, it is not on account of any misrepresentation made by the appellant that the benefit of higher pay-scale was given to him but by wrong construction made by the Principal for which the appellant cannot be held to be at fault. Therefore, the amount paid till date may not be recovered from him. The principle of equal pay for equal work would not apply to the scales prescribed by the University Grants Commission.

[676-F to H, 677-A]

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 6868 of 1994.

From the Judgment and Order dated 9.9.93 of the Punjab & Haryana Court in W.P. No. 10988 of 1993.

Prem Malhotra for the Appellant.

Ms. Indu Malhotra for the Respondents.

The following Order of the Court was delivered :

Leave granted.

The appellant was appointed in July 29, 1972 as a Librarian in Government College in the pay-scale of Rs.220-550. The Haryana Government accepting the recommendations of Government of India and the University Grants Commission upgraded the pay-scale of Librarian with effect from 1st January, 1973 to Rs. 700-1600, if they possess a minimum educational qualification of first or second Class M.A., M.Sc., M.Com plus a first or second Class B, Lib. Science or a diploma in Library Science, the degree of M.Lib. being a preferential qualification. Thereafter taking into consideration, representations made by several Librarians appointed prior to 31st December, 1972 and of the recommendations of the University Grants Commission, the Government of India in their proceedings of January 16, 1987 relaxed the and requirement of securing first or second class in M.A., M.Sc., M.Com. and other prescribed educational qualifications, by an order which was in the following terms :

- A "It" has now been decided, on the recommendation of the UGC, that the existing incumbents of the posts of Librarians in College who have been appointed to these posts on or before 3.12.1972 may be sanctioned the upgraded scale of Rs. 700-1600 in relaxation of the qualification prescribed in Annexure-I referred to above
- B without insisting on a first or second class in the degree, diploma or other prescribed educational qualification."

- C The Principal of the College, where the appellant was working as a Librarian allowed to him the revised pay-scale of Rs. 700-1600 purporting to act under the above order. However, the Govt. of Haryana directed the Principal to withdraw the pay-scale of Rs. 700-1600 allowed to appellant. The appellant had challenged their direction in C.W.P. No. 10988 of 1993 in the High Court of Punjab and Haryana. The High Court by the impugned order dated September 9, 1993 dismissed the writ petition. Thus this appeal by special leave.

- D Mr. Prem Malhotra, learned counsel for the appellant, contended that the previous scale of Rs. 220-550 in which the appellant was entitled become Rs. 700-1600 since the appellant had been granted that scale of pay in relaxation of the educational qualification. The High Court was,
- E therefore, not right in dismissing the writ petition. We do not find any force in this contention. It is seen that the Government in consultation with the University Grants Commission had revised the pay-scale of a Librarian working in the Colleges to Rs. 700-1600 but they insisted upon the minimum educational qualification of first or second class M.A., M.Sc., M.Com. plus a first or second class B. Lib. Science or a diploma in Library Science.
- F The relaxation given was only as regards obtaining first class or second class in the prescribed educational qualification but not relaxation in the educational qualification itself.

- G Admittedly the appellant does not possess the required educational qualifications. Under the circumstances the appellant would not be entitled to the relaxation. The Principle erred in granting him the relaxation. Since the date of relaxation the appellant had been paid his salary on revised scale. However, it is not on account of any mis-representation made by the appellant that the benefit of higher pay-scale was given to him but by wrong
- H construction made by the Principal for which the appellant cannot be held

to be at fault. Under the circumstances the amount paid till date may not be recovered for the appellant . The principle of equal pay for equal work would not apply to the scales prescribed by the University Grants Commission. The appeal is allowed partly without any order as to costs. A

T.N.A.

Appeal allowed.