

Tej Pal Singh And Another vs State Of U.P. And Others on 31 January, 2025

Author: Saurabh Shyam Shamshery

Bench: Saurabh Shyam Shamshery

HIGH COURT OF JUDICATURE AT ALLAHABAD

Neutral Citation No. - 2025:AHC:14121

Reserved on 21.01.2025

Delivered on 31.01.2025

Court No. - 10

Case :- WRIT - A No. - 6881 of 2008

Petitioner :- Tej Pal Singh And Another

Respondent :- State of U.P. and Others

Counsel for Petitioner :- Rahul Jain, Ma

Counsel for Respondent :- C.S.C., P. Padia, P.K. Ganguly

Hon'ble Saurabh Shyam Shamshery, J.

1. Petitioners before this Court are retired persons. According to their claim, initially they appointed in Department of Agriculture Subordinate Service Group-II. Thereafter they were transferred to Govind Vallabh University of Agriculture and Technology, Pant Nagar, Nainital. It is their further case that they were later on transferred on deputation in the year 1983 to Daurala Western Campus. Petitioners further claimed that they give their option to merge in the service of University as Research Associates and their services ought to have been treated as Research Associates, who were

3. In aforesaid circumstances, Krishi Shiksha Evan Anusandhan Anubhag, Government of Uttar Pradesh by means of impugned order dated 31.10.2007 rejected claim of petitioners observing that they were never treated as Teachers and, therefore, they were not entitled for salary of Teachers as fixed by University Grants Commission. For reference impugned order is reproduced hereinafter:

Indian Kanoon - <http://indiankanoon.org/doc/173942149/>

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4. Sri Rahul Jain, learned counsel for petitioners, referred various documents annexed alongwith this writ petition, specifically an order dated 08.03.1991 that all Research Associates, if have qualification of Teachers, would be declared as Teacher and accordingly they were entitled for grade pay of Teachers as fixed by University Grants Commission. Said order is reproduced hereinafter:

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5. Learned counsel for petitioners has vehemently referred that by virtue of above order petitioners became Teachers and as such the findings returned in impugned order were contrary to record.

6. Per contra, Sri P.K. Ganguly, learned counsel for Respondent-University, has supported impugned order that petitioners have never considered as Teachers and they were merged at the pay grade of Rs. 350-700 (PRC), which is not the pay scale of Teachers as well as that cadre of Research Associates was declared as dead cadre.

7. I have considered the above submissions and perused the material available on record.

8. There is no specific order that petitioners were ever merged or declared as Teachers. According to communication sent by University concerned, petitioners were merged in University in pursuance of order dated 25.11.1993 w.e.f. their date of transfer, i.e., 11.05.1973 and 22.01.1978, respectively. It is not in dispute that they were initially appointed under SAS Grade-II (PRC) and they were merged in pay grade of Research Associates, i.e., Rs. 350-700 and they retired on same grade pay. They were never considered or treated as Teachers nor given any such pay scale. According to letter dated 25.11.1993 only those employees who were working as Research Associates on 08.03.1991 were declared Teachers, whereas as per above referred facts of case petitioners were never worked before said date as Research Associates. Therefore, the reason assigned in impugned order has legal basis and no document is placed on record to show that findings are contrary to record. Only on basis of certain documents with regard of date of option petitioners cannot claim any benefit. In order to claim certain benefit there must be factual and legal basis but facts as referred above are against petitioners that they were never worked as Teachers as well as they were merged as Research Associates only after the cut off date.

9. In aforesaid circumstance, I do not find any reason to interfere with impugned order. Writ petition is accordingly dismissed.

Order Date :- 31.01.2025 AK