



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**Serial No.213**

**CWP-15881-2022**

**Decided on:-05.09.2025**

Dr. Sheela Bathla

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. R. K. Malik, Senior Advocate with  
Mr. Anshul Labana, Advocate  
for the petitioner.

Mr. Aakash Singla, Additional Advocate General, Haryana.

Mr. Anil Kumar Sharma, Advocate  
for respondents no.3 and 4.

**TRIBHUVAN DAHIYA, J.(ORAL)**

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order dated 24.03.2022, Annexure P-6, whereby the second respondent has declined to count the past service rendered by the petitioner from 04.12.2002 to 04.06.2012 in the respondent SNRLJR Girls College Lohar Majra, Kurukshetra, for granting senior scale and selection grade of pay under Career Advancement Scheme (for short, 'CAS'). Further, a writ of *mandamus* has been sought directing the respondents to count the service towards the benefits claimed and release the arrears with interest.

2. As per the averments in the petition, the petitioner was appointed as Lecturer in Sanskrit in the respondent College "in the grade and usual allowances sanctioned by the Haryana Government from time to time", vide appointment letter dated 01.12.2002, Annexure P-1. She joined service on 04.12.2002. At that time, the College was being run as a self-financed



educational institution which was not getting any grant-in-aid from the Government. It is with effect from 05.06.2012, that the College became an aided institution. After rendering service for about eight years thereafter, the petitioner superannuated on 31.12.2020. Later, she submitted a request vide representation dated 21.05.2021, Annexure P-3, for counting her service rendered in the College prior to its coming under the grant-in-aid scheme, i.e., from 04.12.2002 to 04.06.2012, for grant of senior scale and selection grade under CAS. The request was rejected by the Directorate vide impugned order dated 24.03.2022, on the ground that during the period the petitioner was working on a fixed salary under the self-financed College, and such service could not be counted under CAS as per notification, dated 21.07.2011. These facts were recorded after examining the petitioner's service book received from the College. The rejection led to filing of the instant petition.

3. Learned senior counsel contended that the representation was rejected on wrong grounds, as the petitioner had been appointed in regular grade and usual allowances sanctioned by the Government from time to time. The fact is apparent from her appointment letter, dated 01.12.2002 itself. And in case the College has not paid her salary in the regular scale of pay, she cannot be put to any loss on that account. The fact remained that she was entitled to get salary in the regular scale of pay in terms of the appointment letter, and had performed her duties with full devotion. Therefore, the service could not have been ignored for grant of CAS benefits. To support the contention, reliance has been placed upon a judgment, dated 25.09.2008, rendered by this Court in CWP-1477-2007 titled *Tejvir and others v. State of Haryana and others*.



4. *Per contra*, learned State counsel disputed the facts and contended that the petitioner had not been appointed in regular scale of pay. The College was being run as self-financed institution at the relevant time and the petitioner was being paid a fixed salary, as recorded in the impugned order itself. The University Grants Commission (for short 'UGC') notification regarding CAS has been adopted by the State Government vide notification dated 21.07.2011. As per paragraph 19.1 thereunder, previous service rendered in an equivalent grade only is to be counted for senior scale and selection grade. Therefore, the petitioner cannot be held entitled to the claimed relief.

5. Learned counsel appearing for the third and the fourth respondent, Governing Body and the College Principal, respectively, contends that they have adopted the written statement filed on behalf of the first and the second respondent.

6. Submissions made by learned counsel for the parties have been considered.

7. Undisputedly, the petitioner rendered service from 04.12.2002 to 04.06.2012 in the College when it was not getting grand-in-aid from the Government. There is no material on record to even *prima facie* indicate that the scale of pay in which the petitioner had been appointed as Lecturer, was regular scale meant for the post. Her letter of appointment is only to the effect that she has been appointed in "the grade and usual allowances sanctioned by the Haryana Government from time to time", but the scale of pay has not been mentioned. Besides, the facts recorded in the impugned order, dated 24.03.2022, that the petitioner had been paid consolidated salary during her





meant for Assistant Professor/Lecturer. In the instant case, as discussed hereinbefore, there is no document on record to establish that the petitioner fulfilled this mandatory condition and the post of Lecturer held by her was in the regular scale of pay assigned for the post. Accordingly, no exception can be taken to the impugned order rejecting her case.

8. The judgment in *Tejvir* case *ibid.* also does not advance the petitioner's case, as it has been rendered on distinct facts. The ground of not granting benefit of past service under CAS to Lecturers/petitioners therein was that before the College where they had been working in was handed over by the Management to the Government, they had not received salaries for a particular period, from 01.08.2004 to 16.05.2005. This was considered as a break in service and, resultantly, the previous service in the taken-over College was not being counted for the benefits under CAS. The petitioners claimed that the past service was required to be counted in terms of guidelines issued by the UGC and notified by the State Government, vide letter dated 18.12.2000, for counting past service for placement of Lecturers in senior scale and selection grade of pay. In these circumstances, the Court considered the question "*whether the period of service rendered by the petitioners from 01.08.2004 to 16.05.2005 for which they have not been paid the salary would amount to break period and, therefore, dis-entitle them to the grant of senior scale/selection grade as it would violate the condition of continuous service as required in letter dated 18.12.2000.*" In these circumstances, it was held that "*There can be no dispute that since the petitioners have worked for the said period, they are entitled to the salary. Merely because they have not been paid*



*the salary for the said period, for no fault of theirs, they cannot be penalized for the same by holding this period as break period.”*

8.1. Therefore, in *Tejvir* case *ibid.* the petitioners' appointment and payment of salary, except for certain period, in regular scale of pay, as also performance of duties by them during that period, was not in dispute; the only issue was could the non-payment of salary for that period before the College was taken-over would make the service discontinuous. Any such issue does not arise for consideration in the instant case; instead, the petitioner's entitlement to grant of senior scale and selection grade has been disputed on the ground that her appointment and service was not in the regular scale of pay meant for the post, it was on a consolidated salary. Therefore, the mandatory condition for counting past service for promotion to higher scales under CAS remained unfulfilled.

9. There is another aspect of the matter, that the petitioner never claimed the benefit of past service for promotional scales under CAS while she remained in service. It was only after retirement on 31.12.2020, she thought of claiming the benefit and submitted a representation, dated 21.05.2021, for the purpose. However, as per the settled proposition of law, an employee cannot be considered for promotion/promotional scales post-retirement.

10. In view of the discussion, there is no merit in the petition and it stands dismissed.

(TRIBHUVAN DAHIYA)  
JUDGE

05.09.2025

*Mehak*

*Whether speaking/reasoned?*

*Whether reportable?*

*Yes/No*

*Yes/No*