
order of dismissal was certainly illegal and the Labour Court, on the facts aforesaid, came to the right conclusion. Finding no merit in this writ petition, we dismiss it *in limine*.

R.N.R.

Before Hon'ble J. L. Gupta, J.

KEWAL KRISHAN NAGPAL,—Petitioner.

versus

THE STATE OF HARYANA AND OTHERS,—Respondents.

Civil Writ Petition No. 7276 of 1988.

April 1, 1992.

Constitution of India, 1950—Article 226—Parity—Petitioner an Instructor in Stenography/Typewriting in a college affiliated to University—Seeking parity of treatment with Demonstrators on basis of letter recommending that grades of Instructors be raised and brought on par with Demonstrators—Held, University not competent to decide question of equation of posts—Petitioners treated at par with those of University employees—Action fair.

Held, that the Registrar of the University had addressed this communication to the Director of Public Instruction, Haryana and recommended that the grades of Instructors may be raised and brought at par with that of Demonstrators. The University is neither competent nor was called upon to decide the question of equation of posts. This vests exclusively in the State Government which has to bear the financial burden.

(Para 4)

Further held, that the petitioners who are working in affiliated colleges in the State of Haryana have been treated at par with those of the University employees. The action is apparently fair. There seems to be no basis for giving the petitioners a preferential treatment vis-a-vis their counter-parts in Government Colleges.

(Para 6)

K. L. Arora, Advocate, for the Petitioner.

Jaswant Singh, Advocate for Haryana State, for the Respondent

JUDGMENT

Jawahar Lal Gupta, J. (Oral)

(1) This order will dispose of C.W.Ps. Nos. 7276 and 7283 of 1988, 3862 of 1989, 4580 of 1990 and 4577 of 1991. The facts as mentioned in CWP No. 7276 of 1988 may be briefly noticed.

(2) The petitioner is an Instructor in Stenography/Typewriting. He was appointed in the pay scale of Rs. 250—400 in a college affiliated to the Kurukshetra University. The petitioner claims parity of treatment with Demonstrators whose pay scale was revised from Rs. 250—400 to Rs. 500—900 with effect from January 1, 1973 and later to Rs. 1,740—3,000 with effect from January 1, 1986. This claim is sought to be supported on the basis of a recommendation by the Panjab University,—*vide* its letter dated September 12, 1976, a copy of which has been produced on record as Annexure P-6 and another one made by the Registrar of the Kurukshetra University,—*vide* letter dated February 2, 1980 (Annexure P-7). The petitioner further claims that in accordance with the provisions of the Haryana Affiliated Colleges (Security of Service) Act, 1979 (hereinafter to be referred to as the Act), he is entitled to the same conditions of service as are afforded by the University to the members of the Teaching staff. Various representations made by the petitioner individually as well as through the Union having borne no fruitful results, the petitioner has approached this Court through the present petition. A prayer for the issue of writ of *mandamus* directing the State of Haryana to sanction the revised pay scale of Rs. 500—900 with effect from January 1, 1973 and Rs. 1,740—3,000 with effect from January 1, 1986 has been made.

(3) On behalf of the respondents it has been pointed out that the Instructors in Shorthand and Typewriting cannot claim parity with the persons holding the posts of Demonstrators. It has been *inter alia* averred that the pay scales of Teachers including Demonstrators were revised in accordance with the recommendations of the University Grants Commission. So far as the category of Instructors to which the petitioner belongs is concerned, it has been stated that the pay scales “were revised as admissible to Typewriting Instructors working in Government Colleges and at present the Typewriting Instructors working in the affiliated colleges are getting the same pay scales as are being allowed to Instructors in Government Colleges.” It has been further pointed out that the pay scale of the Instructors was raised to Rs. 420—700 with effect

from April 1, 1979 which has been further-raised to Rs. 1,200—2,040 with effect from January 1, 1986. (This fact is categorically mentioned in the written statement filed by the respondents in C.W.P. No. 3862 of 1989).

(4) I have heard Mr. K. L. Arora for the petitioner and Mr. Jaswant Singh for the respondents. Mr. Arora contends that the post of Instructor has been equated to that of Demonstrator by the University. This claim is based on the letters copies of which have been produced as Annexures P-6 and P-7. A copy of letter dated September 12, 1972 (Annexure P-6) shows that the Deputy Registrar (Administration) has addressed this communication to somebody whose particulars have not been disclosed by the petitioner. Further, a perusal of this letter shows that it was only in the nature of a recommendation. Similar is the position with regard to letter dated February 2, 1980 (Annexure P-7). The Registrar of the University had addressed this communication to the Director of Public Instruction, Haryana and recommended that the grades of Instructors may be raised and brought at par with that of Demonstrators. The University is neither competent nor was called upon to decide the question of equation of posts. This vests exclusively in the State Government which has to bear the financial burden.

(5) Mr. Arora relies on the provisions of Section 4 and 6 of the Act to contend that the conditions of service of the employees in the affiliated colleges have to be laid down by the University. This contention is totally unfounded. Sections 4 and 6 may be noticed. These read as under :—

“Section 4. Method of recruitment and Conditions of Service :—

The method of recruitment and the conditions of service, of the employees shall be such as may be prescribed :

Provided that the conditions of service of an existing employee at the commencement of this Act shall not be varied to his disadvantage.

Section 6. Salary—

The scales of pay and other allowances and privileges of the employees shall be such as may, from time to time, be specified by the Government.”

A perusal of section 4 shows that the method of recruitment and conditions of service "shall be such as may be prescribed." 'Prescribed' has been defined to mean "prescribed by rules made under this Act." Accordingly, section 4 authorises the Government to determine the conditions of service of the employees by promulgation of rules. No rule has been brought to my notice to show that the conditions of service have to be the same as those of the University employees. Further, a perusal of section 6 shows that the scales of pay have to be prescribed by the Government. It nowhere postulates that the scales of pay shall be such as may be recommended by the University Grants Commission or by the University. Accordingly, even section 6 does not support the claim made by the petitioner.

(6) According to the written statement filed on behalf of the respondents, the petitioners who are working in affiliated colleges in the State of Haryana have been treated at par with those of the University employees. The action is apparently fair. There seems to be no basis for giving the petitioners a preferential treatment vis-à-vis their counter-parts in Government colleges.

(7) Since I am dismissing the writ petition on merits, I am not considering preliminary objections raised on behalf of the respondents.

(8) Accordingly, I find no merit in these petitions. These are dismissed. No costs.

J.S.T.

Before : S. S. Grewal & A. S. Nehra, JJ.

SMT. BALBIR KAUR,—Petitioner.

versus

SMT. HARDARSHAN KAUR AND OTHERS,—Respondents.

Criminal Appeal No. 377-DBA of 1984

April 8, 1992.

Indian Penal Code 1860—Section 494—Bigamy—Evidence—
Rajinder Singh contracted second marriage with Smt. Pomila during