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6/4/22

GOVERNMENT OF PUNJAB
DEPARTMENT OF FINANCE
(FINANCE PERSONNEL-1 BRANCH)

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6/4/22

ORDER

Sh. Gurpreet Singh, aged about 30 years, son of Sh. Joginder Singh, and 210 others (whose details are at Annexure I of this order) filed CWP No. 1611 of 2022, for quashing the instructions dated 17.07.2020 (P-3) ; notification dated 21.10.2020 (P-5) and appointment letter dated 25.02.2021 (P-6) as well as similar/identical appointment letters issued to the respective petitioners to the extent that they have been granted pay scale of Rs. 35400/- as per the Central Pay Scales instead of the Punjab Pay Scales. The Hon'ble Punjab and Haryana High Court disposed off the petition vide its order dated 01.02.2022. The relevant portion of which is as follows :-

" Learned counsel, on instructions from the petitioners, submits that instead of pressing the writ petition on merits at this stage, his clients would be satisfied in case, representation dated 09.12.2021(P-15) is decided expeditiously.

Notice of motion to that limited extent.

On the asking of the Court, Mr. Charanpreet Singh, AAG, Punjab, accepts notice on behalf of the respondents. Learned State counsel raises no objection against the innocuous prayer made on behalf of the petitioners.

In view of the agreed stand taken by both sides, but without adjudicating the controversy on merits, writ petition is disposed off with direction to respondent No. 2 - Principal Secretary, Department of Finance, Punjab, to consider and decide the aforesaid representation dated 09.12.2021 (P-15), in accordance with law by passing speaking order, within a period of four months from the date of receipt of certified copy of this order. "

2. Whereas, as per official record of Department of School Education, Government of Punjab, these 211 petitioners belong to 3704 master cadre of Department of Education for which the pay scales are notified from time to time. The grievance of the petitioners is that they should be granted old pay scales (i.e. 10300-34800+5000) instead of the pay scales granted to them in view of Finance Department notification dated 17.07.2020 and notification dated 21.10.2020 issued by the Department of Education.

3. In compliance with the aforesaid directions of the Hon'ble Punjab and Haryana High Court, the claim of the petitioners as raised by them in representation dated 09.12.2021 (P-15) is perused in the light of official record

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pertaining to this matter. It is pertinent to mention that Government of Punjab, after careful consideration, took a conscious decision that the Pay Scales admissible to all prospective recruitments/appointments-Direct recruitments/Compassionate appointment in any cadre of any Administrative Department of the Government of Punjab or its entities there under shall not be higher than the Pay Scales admissible to the said Cadre in Government of India as per the recommendations of the 7th Central Pay Commission. It is prerogative of the State to decide the Pay Scales admissible to its employees. Hence instructions dated 17.07.2020 (P-3) were rightly issued by the Department of Finance, Government of Punjab regarding New pay Scales for the fresh recruitment/appointment in the service of Government of Punjab or its entities thereof. The Clause 5 of the said instructions dated 17.07.2020 records as under:-

"It is clarified that whatever the recruitment/appointment process has been initiated, the same may be kept on hold till the Administrative Department or its entity, as the case may be, notifies its Pay scale for the fresh recruitment/appointment of the cadres as per the instructions contained in this letter and the process shall begin afresh with the issuance of necessary corrigendum, if required, in this behalf."

3. However in compliance of clause 5 of notification dated 17.07.2020 a corrigendum dated 08-10-2020 was issued by the Education Recruitment Directorate, Department of School Education which is reproduced as under:-

"..... In the Department of Education, applications have already been invited from the eligible candidates vide advertisement dated 28.02.2020 and 06.03.2020. This is for the information of all concerned that the pay scales for the above said posts as mentioned in the aforesaid advertisements are under revision and approval of Department of Finance. They shall be entitled to such pay pay matrix that may be approved by the Department of Finance for these posts.

2. This corrigendum is being issued to enable the Department to go ahead with the above said recruitment process."

Thereafter notification dated 21.10.2020 (P-5) was issued by the Department of School Education, Government of Punjab regarding grant of pay matrix in view of notification dated 17.07.2020.

As per official record of Education Department Rule 5 of the Punjab Educational (Teaching Cadre) Group C provide as under :-

"Pay of members of the Service :The members of the Service shall be entitled to such scales of pay as may be authorized by the Department of Finance from time to time. The scales of pay, at present in force, in respect of the members of the Service, are given in Appendix 'A'."

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Accordingly offer of appointments were issued to the petitioners in which the new revised pay scales in terms of notification dated 21.10.2020 which they have deemed to have already accepted as they are joined subsequently. Rather, to be more precise, the candidates/ petitioner herein out of their volition appeared in the examination after the notification of minimum admissible pay dated 21.10.2020. Now they are barred by Law of Estoppel to claim the Punjab Pay Scales applicable to the pre-existing incumbents of the department.

It was a conscious decision of the Government with the approval of the Council of Ministers to grant the pay matrix on the basis of 7th CPC. In view of the facts, and legal position discussed above, I am of the considered opinion that claim of the petitioners, raised through representation dated 09.10.2021 (P-15) is not sustainable and hence it is hereby rejected.

Additional Chief Secretary to Government of Punjab
Department of Finance

Endst No. FD-FP-10CC (CWP)/8/2022-1FP1/47-50 Dated, Chandigarh: 31-03-2022

A copy of above is forwarded for information and further necessary action

to:

1. The Assistant Registrar, Punjab and Haryana High Court, Chandigarh.
2. The Advocate General, Punjab, Chandigarh.
3. Secretary to Government of Punjab, Department of School Education, with a request to send a copy of these orders to all the petitioners of the writ petition with due acknowledgment.
4. Sh. Parvesh K. Saini (Advocate), Bar room no. 22, Seat No.1, New Bar Complex, Punjab and Haryana High Court, Chandigarh.

Under Secretary Finance

ਦਫਤਰ ਡਾਇਰੈਕਟਰ ਸਿੱਖਿਆ ਵਿਭਾਗ (ਸੈ.ਸਿ.) ਪੰਜਾਬ
ਪੰਜਾਬ ਸਕੂਲ ਸਿੱਖਿਆ ਬੋਰਡ ਕੰਪਲੈਕਸ, ਫੇਜ਼-8, ਐਸ.ਏ.ਐਸ ਨਗਰ
(Email ID- adsadpi@gmail.com)

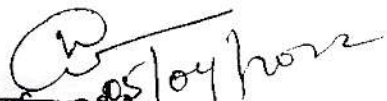
(ਅਮਲ-2 ਸ਼ਾਖਾ)

ਉਪਰੋਕਤ ਦਾ ਉਤਾਰਾ ਹੇਠ ਲਿਖਿਆ ਨੂੰ ਸੂਚਨਾ ਅਤੇ ਯੋਗ ਕਾਰਵਾਈ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ :-

1. ਸਕੱਤਰ ਵਿੱਤ ਵਿਭਾਗ (ਹਵਾਲਾ ਨੰ: FD-FP-10CC (CWP)/8/2022- 1FP1/47-50
ਮਿਤੀ 31.02.2022 ਦੇ ਸੰਬੰਧ ਵਿੱਚ)

2. ਸਕੱਤਰ, ਸਕੂਲ ਸਿੱਖਿਆ, ਪੰਜਾਬ ਸਰਕਾਰ।
3. Sh. PARVESH K. SAINI Advocate, Bar Room No.22, Seat No.1, New Bar Complex, Punjab and Haryana High Court, Chandigarh.
4. ਉਪਰੋਕਤ ਦਾ ਉਤਾਰਾ ਸਮੂਹ ਜਿਲ੍ਹਾ ਸਿੱਖਿਆ ਅਫਸਰ(ਸੈ.ਸਿੱ), ਪੰਜਾਬ ਨੂੰ ਭੇਜਦਿਆਂ ਹਦਾਇਤ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਨਾਲ ਨੱਥੀ ਪਟੀਸ਼ਨਰਾਂ ਦੀ ਸੂਚੀ ਅਨੁਸਾਰ ਆਪ ਦੇ ਜਿਲੇ ਨਾਲ ਸੰਬੰਧਤ ਕਰਮਚਾਰੀਆਂ/ਪਟੀਸ਼ਨਰਾਂ ਦੇ ਘਰ ਦੇ ਪਤੇ ਤੇ ਮੂੰਹ ਬੋਲਦੇ ਹੁਕਮਾਂ ਦੀ ਕਾਪੀ ਰਿਸੀਵ ਕਰਵਾ ਕੇ ਸੂਚਨਾ ਇਸ ਦਫਤਰ ਨੂੰ ਭੇਜਣੀ ਯਕੀਨੀ ਬਣਾਈ ਜਾਵੇ ਤੇ ਰਿਪੋਰਟ ਇਸ ਸ਼ਾਖਾ ਦੀ ਈ.ਮੇਲ adsadpi@gmail.com ਤੇ ਵੀ ਭੇਜੀ ਜਾਵੇ। ਇਸ ਨੂੰ ਅਤਿ ਜਰੂਰੀ ਸਮਝਿਆ ਜਾਵੇ ਜੀ।
5. ਸ੍ਰੀ ਗੁਰਪ੍ਰੀਤ ਸਿੰਘ ਪੁੱਤਰ ਜੋਗਿੰਦਰ ਸਿੰਘ, ਗਲੀ ਨੰ: 03 ਠਾਕੁਰ ਅਬਾਦੀ, ਮਕਾਨ ਨੰ: 690, ਅਬੋਹਰ ਜਿਲ੍ਹਾ ਫਾਜ਼ਿਲਕਾ, ਪੰਜਾਬ।

ਨੱਥੀ : ਪਟੀਸ਼ਨਰਾਂ ਦੀ ਸੂਚੀ (ਲੜੀ ਨੰ: 01 ਤੋਂ 211)


ਸਹਾਇਕ ਡਿਸਟ੍ਰਿਕਟ ਓਫਿਸਰ (ਸ.ਪ-2)
ਗੁਜਰਾਂਵਾਲਾ

੨੨੩੦ ਪਿਤਰੀ ਲਿਖਤਾਂ ਅਨੁਸਾਰ (੫) ਮਾਮਲੇ

ਪਿਤਰੀ ਅਨੁਸਾਰ ਨੰ: ੧੧/੨੦੨੨੪੬੪੦੦-੦੧ ਮਿਤੀ/ਮਾਮਲਾ: 11-4-2022

ਉਪਰੋਕਤ ਦਾ ਉਤਾਰਾ ਜੋ ਪਿਤਰੀ ਨੂੰ ਜੁੜਿਆ ਅਤੇ ਅਨੁਸਾਰ ਕਰਵਾਇਆ ਜਾਣਾ ਹੈ।


① ਤਾਇਲੋਰਵਾਲਾ ਪਿਤਰੀ, ਵਿਭਾਗ (੫) ਪੰਜਾਬ ਅਜ਼ੀਤਕੋਡ, 1

2. ਜਿਥੇ ਜਲੂਹ ਜਰੂਰ ਮਾਮਲਿਆਂ ਨੂੰ ਤੋਰ ਪਿਤਰੀ ੨੨੪੧੩ ਕੀਤੀ

ਜਾਂਦੀ ਹੈ ਆਪ ਦੇ ਜਰੂਰ ਨਾਜ ਯਕੀਨਤ ਕਰਮਚਾਰੀਆਂ/ਪਟੀਸ਼ਨਰਾਂ

ਦੇ ਘਰ ਦੇ ਪਤੇ ਤੇ ਜੁੜੇ ਹੋਏ ਹੋਣਗੇ ਤੇ ਜਲੂਹ ਵਿਭਾਗ ਕਰਵਾਈ ਜਾਵੇ

ਪਿਤਰੀ ਨੂੰ ਅਤਿ ਜਰੂਰੀ ਦਿਖਾਇਆ ਜਾਵੇ।


11/04/22
ਪਿਤਰੀ ਲਿਖਤਾਂ ਅਨੁਸਾਰ (੫)
ਮਾਮਲੇ