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2020/00956
23/7/2020

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTIONS
(SECONDARY EDUCATION) PUNJAB,

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23/7/20

Order No. 20/129-2019 Estt.-IV(1),

Dated, SAS Nagar : 20/6/2020

The following petitioners namely:-

1. Smt.Meena Garg, Hindi Mistress, GMS Mander Kalan,Sangrur;
2. Smt.Rupinder Kaur, Math Mistress, Govt.Sen.Sec.School, Rala, Mansa; and
3. Smt. Mandeep Kaur, Hindi Mistress, Govt.Sen.Sec.School, Mustafabad, Shri Fatchgarh Sahiab

filed CWP No. 28385 of 2019, which was disposed of by the Hon'ble Punjab and Haryana High Court vide order and judgment dated 01.10.2019 with the following operative order:-

" Without commenting on the merits of the case, the present writ petition is disposed of with a direction to the respondents to objectively consider the legal notice dated 15.07.2019 (Annexure P-8) and also by keeping in view the averments and contentions stated in this petition by treating it as a supplementary representation and pass a speaking order, in accordance with law.

Let needful be done within a period of three months from the date of receipt of certified copy of this order.

Disposed of in above terms."

2. In due compliance of the above said order, the contents of legal notice dated 15-07.2019 (Annexure P-8), official records pertaining to this matter and other related factors have been perused. It is claim of the petitioners that one Sh. Tilak Raj who is working as Hindi Master in Govt. Sen.Sen. School, Joura Charar,Gurdaspur is junior to them and had been drawing more pay than them, therefore, their pay should be stepped up equal to being drawn by the said Sh. Tilak Raj. Before arriving at final conclusion on the said claim of the petitioner, it is considered expedient to go through the detail of service records of the petitioners as well as their alleged junior, which is mentioned is as under:-

Sr N.	Name of Petitioner	Date of appointment	Date of Promotion in Master Cadre
1	Smt.Meena Garg,Hindi Mistress, GMS Mander Kalan,Sangrur	13-10-1998	24-06-2006
2	Smt.Rupinder Kaur, Math Mistress, Govt.Sen.Sec.School, Rala, Mansa	14-10-1998	04-05-2006
3.	Smt. Mandeep Kaur, Hindi Mistress, Govt.Sen.Sec.School, Mustafabad.	09-10-1998	31-05-2006

	Shri Fatehgarh Sahib		
Junior	Tilak Raj, Hindi Master, Govt. Sen. Sen. School, Jaura Charar, Gurdaspur	16-10-1998	18-10-2007

3. It is assertion of the petitioner that the aforesaid Sh. Tilak Raj, who also initially came to be appointed as E.T.T teacher on and from 16-10-1998 and was subsequently promoted to the Hindi Master w.e.f. 18-10-2007 i.e. on a later date than the petitioners, is drawing more pay than that of them, therefore, the petitioners are also entitled to fixation of their at par with their junior employee namely Sh. Tilak Raj alongwith consequential benefit of arrears of pay.

4. The undersigned has perused the said contentions of the petitioners. The petitioners, who were promoted in the Master Cadre in the year 2006 are claiming pay parity with one Sh. Tilak Raj, who had been promoted as a Master on 18.10.2007. On perusal of official records, it has been found that petitioners and his alleged junior namely Sh. Tilak Raj did not belong to the same cadre because Sh. Tilak Raj came to be promoted from the ETT Teachers' cadre of District Gurdaspur, whereas the petitioners came to be promoted in the Masters' cadre from different feeder cadres of ETT Teachers relating to District Sangrur, Fatehgarh Sahib and Mansa. The reason being that though the petitioners and his alleged junior belong to the same feeder cadre of ETT Teachers, but the seniority of the petitioner and his alleged junior in the feeder cadre was not a common one because seniority of persons appointed to the posts of ETT Teachers is maintained at each District separately. It is a matter of record that prior to coming into the existing cadre, the petitioners were working as an ETT Teacher but in different Districts i.e. District Sangrur, Fatehgarh Sahib and Mansa whereas their alleged junior namely Sh. Tilak Raj was a working as an ETT Teacher in District Gurdaspur. Hence, it cannot be construed that petitioners and Sh. Tilak Raj belong to the same cadre.

5. Para 2 (a) of the State Government instructions dated 12.08.2010, *inter-alia*, stipulates that if the pay of some senior Government employee gets fixed at a level lower than his junior employee, the pay of such senior employee shall be stepped up to the level of the pay of his junior employee subject to the condition that the junior and senior government employee should belong to the same cadre and the posts in which they have been promoted should also be identical and the same cadre.

6. The claim of the petitioners has also been examined by the Section Officer and Deputy Controller (Finance) in the light of aforesaid instructions and is found to be unsustainable.

7. In the present case, it is a matter of fact that the petitioners belong to the cadre of ETT Teacher of District District Sangrur, Fatehgarh Sahib and Mansa, whereas Sh. Tilak Raj belongs to the cadre of ETT Teacher of District Gurdaspur. Hence, it cannot be held that the petitioners and their alleged junior government employee, with whom they are desirous to get their pay equalized, belong to the same cadre, which is one of essential conditions for accepting such claims. Thus, claim of the petitioners as raised by them cannot be acceded to because the same does not cover as per instructions dated 12.8.2010

issued by the Department of Finance. Consequently, finding no substance in the claim of the petitioners for stepping up their pay at par with one Sh.Tilak Raj, as set out in the legal notice dated 15.7.2019, the same is hereby rejected.

(Sukhjeet Pal Singh, P.C.S)
Director of Public Instruction (SE) Punjab.

Endst. No. Even,

Dated, SAS Nagar, 17/7/2020

A copy of the above is sent to the following for information and necessary action:-

1. Secretary to Government of Punjab, Department of School Education, Punjab Civil Secretariat-II, Sector-9, Chandigarh.
2. P.A. to D.P.I.(SE) Punjab.
3. Nodal Office (legal) o/o D.P.I.(SE) Punjab
4. Concerned District Education Officer(SE) Sangrur, Shri Fatehgarh Sahib and Mansa are hereby directed to inform the petitioners. (Through Loketand) / [Signature]

Assistant Director (SA-IV)

ਦਰਸਤ ਕਰਕੇ ਪਿਛਿਕਾ ਕਾਰਕਰ (ਜੈ. ਸਿੰ.) - ਮਾਮਲਾ।
ਪਿਛਿ ਕੰਮ ਨੰ: 2/32-2019 ਕ-1/2020 170357-358
ਮਿਤੀ ਮੁਦਰਾ 23-07-2020

ਉਪਰੋਕਤ ਪਿਛਿਕਾ ਕੀ ਵਰਤਮਾ ਅਤੇ ਵੈਰੀਏ ਵਾਰਥੀ
ਦਿੱਤ ਭੇਜਿਆ ਕਾਰਕਰ:-

1. ਪਿਛਿਕਾ ਕਰਕਰ ਜੈ ਸਿੰਘ ਨੂੰ ਵੱਧ ਰੱਕਮ (ਕਾ) ਕੀ ਭੇਜਣ
ਤੇ ਹੁਣੇ ਤਕ ਕੀਤੀ ਗਈ ਤੇ ਪਿਛਿਕਾ ਆਰਡਰ
ਕੀ ਕਾਪੀ ਨਹੀ ਵਰਥ ਦਿੱਤੀ ਗਈ। (ਵੈਰੀਏ ਵਾਰਥੀ)

2. ਪਿਛਿਕਾ ਕੰਮ ਨੰ: 2 ਅਤੇ ਪਿਛਿਕਾ ਕੰਮ ਨੰ: 3
ਜ.ਪ.ਸ. ਰੱਕਮ (ਕ) ਕੀ ਵਰਥ ਮੁੱਖੀ ਗਈ। [Signature]
[Signature] 23/7/20
ਪਿਛਿਕਾ ਕਾਰਕਰ (ਜੈ. ਸਿੰ.)
ਮਾਮਲਾ।