

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

(Establishment-3 Branch)

4400
31/5/21

✓ All the District Education Officers (SE) in the State.

Memo No: 18/20-2020Estt-3(H-2) 2021143747

Dated, SAS Nagar: 30/4/2021

Subject: Implementation of interim order 15.7.2020 passed by the Hon'ble Punjab and Haryana High Court in CWP No. 9851 of 2020 titled as Duryodhaan Gurdial Singh Vs. State of Punjab and others.

1.0 In the aforesaid writ petition, the petitioners are those who earlier were working as Computer Faculty in the department since last 10-12 years and have been selected and appointed as Principal/Headmasters by way of direct recruitment made through PPSC. In the said writ petition, the petitioners have, inter-alia, sought quashing of letter dated 7.11.2017(P14) and 12.6.2020, whereby they have been denied the benefit of protection of pay which they were drawing against the previous post prior to joining the post of Principal/Headmasters and Headmistresses.

2.0 Previously the said writ petition came up for hearing before the Hon'ble Punjab and Haryana High Court on 15.7.2020, when the Hon'ble Court was pleased to pass the following operative order:-

Draw

"The petitioners are aggrieved by the orders dated 7.11.2017(Annexure P-14) and 12.6.2020(Annexure P-13) whereby despite working in the Punjab Education Department for the last 10-14 years as Computer Faculty

in various Govt. schools, on their appointment as Head Master/Head Mistress in January, 2020 have been denied the benefit of pay protection.

Learned counsel for the petitioners refers to the judgments passed in CWP No. 7764 -2015 titled as Balbir Singh and others V/s. State of Punjab and others (Annexure P-9) and in CWP-6391-2016 titled as Dr. Vishavdeep Singh and others V/s. State of Punjab and others whereby the issue related to pay protection has attained finality and the pay has to be protected if an employee is transferred in another department. He further refers to the similar orders (Annexures P-7 to P-10) whereby pay has been protected keeping in view notification dated 19.09.2016 (Annexure P-18).

Notice of motion.

Ms. Sunint Kaur, Assistant Advocate General, Punjab accepts notice on behalf of official respondents and will file detailed reply in this regard.

List on 27.10.2020.

In the meantime, operation of the impugned orders dated 12.06.2020 (Annexure P-13) and 7.11.2017 (Annexure P-14) is stayed".

3.0 It is apprised that Annexure P-13 attached to the said writ petition, is a Memo No. 18/20-20 Estt.-3(H-2)2020/37386, dated 12.6.2020 issued by the Directorate to the District Education Officer(SE) Pathankot, whereby it has, inter-alia, been clarified that the pay of the teachers working under PICTES society who have been appointed in the Principal/Head Master cadre cannot

Done

be protected in the light of Department of Finance letter No. 6/20/2017 – FP2/734, dated 7.11.2017 which has also been appended as Annexure P-14 to the said writ petition. A copy of the above said letter dated 12.6.2020 issued by the Directorate and Department of Finance letter No. 6/20/2017 – FP2/734, dated 7.11.2017 is attached herewith for ready reference.

4.0 It is also apprised to get the said order implemented, one of the petitioners namely Sh. Jagjit Singh of the aforesaid writ petition has also filed COCP No. 2248 of 2020. The said COCP came up for hearing on 27.10.2020, when the Hon'ble Punjab and Haryana High Court passed the following order:-

" Issue notice of motion for as to why contempt proceedings should not be initiated against the respondents for not complying with the order dated 15.7.2020.

To be listed along with CWP No. 9851 of 2020".

5.0 Due to non-implementation of interim order of Hon'ble Punjab and Haryana High Court passed in CWP No. 9851 of 2020, it has become very difficult to file reply of the aforesaid COCP and the concerned appointees are not in a position to draw their salary for want of clarity on the matter. Therefore, it is advised to implement the aforesaid interim order of Hon'ble Punjab and Haryana High Court subject to the condition that the final verdict to be given in the said writ petition shall be binding upon the petitioners as well.

2020 ਖੋਲ੍ਹੇ ਪਾਲਿਸੀ ਮਹਾਨੋ (ਅ) ਸਿੱਖਾਂ
 ਪਿਓ ਮਿਤੀ ਨੰ: ਮ-3/2021/147112-15 | ਮਿਤੀ/ਮਹੀਨਾ 4-5-2020
 ਏ ਪਰੋਡਰ ਤਿਸੇ ਏ ਏ ਪਿਓ, ਤੂੰ ਤੁਸੀਂ ਮਤ ਮਾਰੇ ਅਦਾਇ
 ਫਤ ਓਲਮਿ ਓਰੀ ਤੀ
 1. ਤਿਏਦੇਰੇ ਪਿਲਮਿ ਫੇਰਿਸਿ (ਅ) ਸਿੱਖਾਂ ਮਾਰੇ
 2. ਖੋਲ੍ਹੇ ਮਹਾਨੋ ਪਿਲਮਿ, ਫੇਰਿਸਿ, ਮਹਾਨੋ
 3. ਫੇਰਿ ਮਹਾਨੋ ਪਿਲਮਿ/ਮਹਾਨੋ

[Signature]
 Assistant Director(HM)
 For Director of Public Instruction(SE) Punjab.

[Signature]
 ਪਿਓ ਮਿਤੀ 04/05/2021
 ਪਿਓ ਮਿਤੀ ਮਹਾਨੋ (ਅ)
 ਸਿੱਖਾਂ ਮਾਰੇ