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

Order No. DPIS-EST20CC/92/2020-EST-2
Dated, SAS Nagar : 21.07.2021

Gureharanjit Singh, aged about 53 years, Punjabi Master, Govt. High School Kotla Rai Ka, District Moga, son of Sh. Gurnek Singh resident of Vpo. Bhagta Bhal ka, District Bathinda, Punjab and 27 Others (list annexed with the speaking Order) filed Civil Writ Petition No. 20304 of 2020, which was disposed of by the Hon'ble Punjab and Haryana High Court vide order and judgment dated 27.11.2020 with the following operative order:-

"In view of the above, without expressing any opinion on the merits of the case or the claim being made by the petitioners, respondent No.2 is directed to decide the legal notice dated 13.07.2020 (Annexure P-8) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioners are entitled for any monetary benefit, the same shall also be released to them within a period of next three months.

Present writ petition stands disposed of."

1. In order to decide claim of the petitioner in due compliance with the aforesaid directions of Hon'ble Court, the contents of legal notice dated 30.07.2020 (Annexure P-8) and Civil Writ Petition have been perused. On the perusal of the office record, it has been found that, the petitioners joined the Education Department of State of Punjab as E.T.T Teachers and further promoted as Masters/ Mistresses in the year 2000, 2001, 2004 and 2006 respectively in different subjects. It is assertion of the petitioners that one Smt. Sunita, Hindi Mistress, Govt. Sen. Secondary School, Chehratta, Amritsar joined the Education Department of State of Punjab as E.T.T Teacher in the year 1994 and further promoted as Hindi Mistress on 01.04.2010 and is, thus junior to them in Master Cadre, is drawing more pay than the Petitioners. The petitioners have also contended that on the recommendations of 5th pay commission the Masters/ Mistresses were granted the pay scale of 10300-34800+3600 Grade Pay. The respondent no. 4 was promoted as Hindi Mistress w.e.f. 01.04.2010 and her basic pay was fixed as Rs. 20250/- w.e.f. 01.04.2010, whereas the basic pay of the petitioners was fixed at Rs. 19220/- on 01.04.2010. Therefore, the petitioners have contended that they are entitled to basic pay of Rs. 20250/- w.e.f. 01.04.2010 at par with their junior, Smt. Sunita, Hindi Mistress, Govt. Sen. Secondary School, Chehratta, Amritsar.

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2. The undersigned has perused the said contentions of the petitioners. The petitioners, who joined the Master cadre in the year 2000, 2001, 2004 and 2006 in different subjects are claiming pay parity with one Smt. Sunita, Hindi Mistress, who was promoted in the year of 2010 in Master cadre. Though the final seniority of Masters and Mistresses working in the Department was finalized and circulated on 19.6.2019, but effect of the same has been stayed till further orders by the Hon'ble Punjab and Haryana High Court vide interim order dated 01.10.2019

passed in CWP No 28434 of 2019 Harbhajan Singh and others Vs State of Punjab, but simultaneously the fact remains that the petitioners of the present petition were promoted prior to Smt. Sunita, Hindi Mistress, with whom the petitioners have claimed parity in respect of their pay. Thus, the petitioners of the present writ petition, being promoted prior to the above said Smt. Sunita, Hindi Mistress, shall remain senior to her for all intents and purposes in the Master Cadre.

3. It is also on the record that the Department of Finance vide circular letter No 10/44/89-FP-I/5394, dated 21-06-1990 and vide circular letter No 6/46/2010-1FP-I/327, dated 12-08-2010 issued instructions regarding removal of anomaly by stepping up pay of senior Government employees, drawing less pay than their juniors due to the operation of the provisions of Rule 11-A of the Punjab Civil Service (Revised Pay) Rules 2009. The relevant part of these instructions as under:-

"After careful consideration of the matter the Governor of Punjab is pleased to decide that if due to normal operation of the provisions of rule 11-A of the Punjab Civil Services (Revised Pay) Rules, 2009 the pay of a senior employee gets fixed at a level lower than his junior employee, the pay of such employee shall be stepped up to the level of the pay of his junior employee subject to the following conditions:-

- a. *The junior and senior Government employee should belong to the same cadre and the posts in which they have been promoted should be identical in the same cadre.*
- b. *Both the aforesaid Government employee should be in the same scales of pay in the lower as well as in the higher post in which they are entitled to draw pay."*

4. According to material available on the record, the petitioners as well as respondent have joined as E.T.T Teacher in different Districts. The cadre of the E.T.T. Teacher is District Cadre. Smt. Sunita, Hindi Mistress, Govt. Senior Secondary School Chheharta (Amritsar) Respondent No. 4 was appointed and joined in District Amritsar as E.T.T teacher and petitioners are joined as E.T.T in Different Districts. It is apparent that in terms of length of service in the cadre of Master/Mistress all the petitioners are senior to Smt. Sunita, Hindi Mistress, Govt. Senior Secondary School Chheharta, Distt. Amritsar. However, the petitioners do not belong to the same feeder cadre, because they were not initially appointed in the same.

5. In the circular letter No. 6/46/2010-1FP2/322892/1, dated 13.10.2014 issued by the Department of Finance, it has been laid down that the Competent Authority to dispose of the cases relating to stepping up pay of senior employees shall be the Head of the Department in case of employees falling in Group 'C' and Group 'D' service. On the date when the anomaly in pay of senior employee had arisen, all the petitioners were working as Masters, which fall in Group 'C' service. The said instructions, *inter-alia*, stipulate that such cases shall be sent to the Competent Authority after getting the same vetted from the Section Officer and D.C.F.A. posted in concerned Department.

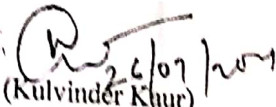
6. The claim of petitioner has been examined by the Section Officer and Deputy Controller (Finance). They have examined the claim of the petitioner and confirmed that as per instructions issued by the Government from time to time, the claim of the petitioner is not covered under the instructions No 10/44/89-FP-1/5394, dated 21-06-1990 and vide circular letter No 6/46/2010-1FP-1/327, dated 12-08-2010 because they do not belong to the same feeder cadre i.e. JBT/ETT Cadre. Thus, the claim of the petitioner is, hereby, rejected accordingly.
7. With the aforesaid orders, the claim of the petitioner shall stand disposed of.

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

Endst. No. Even/ 2021253154-56 Dated, SAS Nagar: 27/07/2021

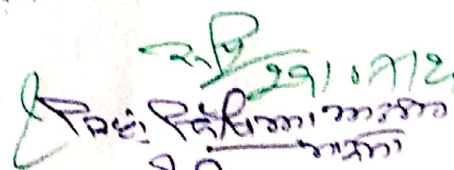
A copy of the above is sent to the following for information and necessary action:-

1. Secretary to Government of Punjab, Department of School Education, Punjab Civil Secretariat-II, Sector-9, Chandigarh.
2. ✓ District Education Officer (SE) Moga, Mansa, S.B.S Nagar, Sangrur, Patiala, Bathinda, Fatehgarh Sahib, Faridkot, Amritsar.
3. Concerned Petitioners (List enclosed).


 (Kulvinder Khur)
 Assistant Director (S.A-2)

ਦਫ਼ਤਰ ਵਿੱਚ ਵਿੱਖਿਆ ਕਮਿਸ਼ਨਰ (ਜ) ਮਾਮਲਾ
 ਵਿੱਚ ਕਮਿਸ਼ਨਰੀ: 33-1/1 (10000-21/ਕੋਟ ਕੋਲ) ਮੋਬਾਇਲ 9275-378
 ਮਿਤੀ- 31-07-2021
 ਉਤਾਰਾ ਦੇ ਵਿੱਖਿਆ ਤੇ ਹੁਕਮ ਕਾਰੇ ਕੋਲੀਏ ਮਾਰਚੀ
 ਦਫ਼ਤਰ ਵਿੱਖਿਆ ਕਮਿਸ਼ਨਰੀ।

1. ਸੂਬੀ ਪੱਧਰ - ਸਰਕਾਰੀ ਸਕੂਲ ਮਾਮਲਾ (ਜ), ਮਾਮਲਾ।
2. ਮੁੱਖ ਵਿੱਖਿਆ ਸਰਕਾਰੀ ਸਕੂਲ ਪਾਗਾਗੜਾ, ਮਾਮਲਾ।
3. ਕਮਿਸ਼ਨਰੀ ਕੋਲ ਕੋਲ ਸਕੂਲ ਮ. ਸ. ਸ. ਪਾਗਾਗੜਾ, ਮਾਮਲਾ
4. ਸਪੂ ਹਾਈ ਸਕੂਲ ਸਿਕੰਦਰ ਸਰਕਾਰ ਮਾਮਲਾ, ਮਾਮਲਾ


 ਵਿੱਖਿਆ ਕਮਿਸ਼ਨਰ (ਜ)
 ਮਾਮਲਾ

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.W.P No. 20304 of 2020

MEMO OF PARTIES

1. Gurcharanjit Singh, aged about 53 years, Punjabi Master, Govt. High School Kotla Rai Ka, District Moga, son of Sh. Gurnek Singh resident of Vpo. Bhagta Bhai ka, District Bathinda, Punjab. ✓
2. ✓ Jaswinder Kaur, aged about 48 years, Math Mistress, Govt. High School Gharangna, District Mansa, Wife of Sh. Rajinder Singh resident of Ward No. 2, Guru Arjun Dev Nagar, Near Tinkoni, Mansa, District Mansa, Punjab.
3. Nirmal Singh Hakla, aged about 50 years, Punjabi Master, Govt. High School, Chandpur Rurki, District S.B.S. Nagar son of Sh. Mehar Chand resident of Vill. Nawangran P.O.- Saroya, District- S.B.S.Nagar, Punjab. ✓
4. ✓ Madhu Bala aged about 56 years, Hindi Mistress, Govt. Girls Senior Secondary School Mansa, District Mansa wife of Net Ram resident of #22, Old Brahma Kumari Ashram Street, Ward No. 14, Jwahrke Road, Mansa, District Mansa, Punjab. ✓
5. Gurmeet Kaur aged about 54 years, S.S. Mistress, Govt. Girls Senior Secondary School, Lehragaga, District Sangrur daughter Magher Singh resident of Ward No. 7, Chainpura Basti, Lehragaga, District Sangrur, Punjab. ✓