

ਦਫਤਰ ਡਾਇਰੈਕਟਰ ਸਿੱਖਿਆ ਵਿਭਾਗ (ਸੈ:ਸਿ) ਪੰਜਾਬ, ਐਸ.ਏ.ਐਸ ਨਗਰ।

(ਕੰਪ: ਪੰਜਾਬ ਸਕੂਲ ਸਿੱਖਿਆ ਬੋਰਡ, ਫੇਸ-8, ਐਸ.ਏ.ਐਸ ਨਗਰ)

ਅਮਲਾ-2 ਸ਼ਾਖਾ

ਕੇਵਲ ਨੋਟਿਸ ਬੋਰਡ ਰਾਹੀਂ

ਵੱਲ

ਜਿਲ੍ਹਾ ਸਿੱਖਿਆ ਅਫਸਰ (ਸੈ:ਸਿ),

ਮਾਨਸਾ, ਸੰਗਰੂਰ ਅਤੇ ਬਠਿੰਡਾ।

ਮੀਮੇ ਨੰ: DPISE-EST20CC/12/2022-EST-2/2022-49539

ਮਿਤੀ: ਐਸ.ਏ.ਐਸ ਨਗਰ: 03/02/2022

ਵਿਸ਼ਾ: ਸਿਵਲ ਰਿੱਟ ਪਟੀਸ਼ਨ ਨੰ. 24388 ਆਫ 2021 ਬਚਿੱਤਰ ਸਿੰਘ ਅਤੇ ਹੋਰ ਬਨਾਮ ਪੰਜਾਬ ਸਰਕਾਰ।

ਹਵਾਲਾ: ਇਸ ਦਫਤਰ ਦੇ ਪੱਤਰ ਨੰ. DPISE-EST20CC/12/2022-EST-2, ਮਿਤੀ 03.02.2022 ਦੇ ਸਬੰਧ ਵਿੱਚ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਦੇ ਸਬੰਧ ਵਿੱਚ ਹਵਾਲਾ ਅਧੀਨ ਪੱਤਰ ਰਾਹੀਂ ਵਿਸ਼ਾ ਅੰਕਿਤ ਰਿੱਟ ਪਟੀਸ਼ਨ ਵਿੱਚ ਮਾਨਯੋਗ ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈ ਕੋਰਟ ਵੱਲੋਂ ਮਿਤੀ 01.12.2021 ਨੂੰ ਹੋਏ ਫੈਸਲੇ ਅਨੁਸਾਰ ਪਟੀਸ਼ਨਰਾਂ ਵੱਲੋਂ ਦਾਇਰ ਕੀਤੇ ਲੀਗਲ ਨੋਟਿਸ ਦੀ ਕਾਪੀ ਭੇਜਕੇ ਲਿਖਿਆ ਗਿਆ ਸੀ ਕਿ ਰਿੱਟ ਵਿੱਚ ਆਪ ਦੇ ਜਿਲ੍ਹੇ ਨਾਲ ਸਬੰਧਤ ਪਟੀਸ਼ਨਰਾਂ ਦੇ ਸਰਵਿਸ ਰਿਕਾਰਡ ਨੂੰ ਘੋਖਦੇ ਹੋਏ ਸਪੱਸ਼ਟ ਕੀਤਾ ਜਾਵੇ ਕਿ ਪਟੀਸ਼ਨਰਾਂ ਵੱਲੋਂ ਸੀਨੀਅਰ/ਜੂਨੀਅਰ ਸਬੰਧੀ ਆਨਲਾਈਨ ਪੋਰਟਲ ਤੇ ਅਪਲਾਈ ਕੀਤਾ ਹੋਇਆ ਹੈ, ਜਾਂ ਨਹੀਂ ਜੇਕਰ ਹਾਂ ਤਾਂ ਅਪਲਾਈ ਕੀਤੇ ਕੇਸ ਦੀ ਫੋਟੋਕਾਪੀ ਤੁਰੰਤ ਇਸ ਦਫਤਰ ਨੂੰ ਭੇਜੀ ਜਾਵੇ ਅਤੇ ਜੇਕਰ ਪਟੀਸ਼ਨਰ/ਕਰਮਚਾਰੀ ਵੱਲੋਂ ਕੇਸ ਆਨਲਾਈਨ ਅਪਲਾਈ ਨਹੀਂ ਕੀਤਾ ਗਿਆ ਤਾਂ ਉਸਨੂੰ ਸੀਨੀਅਰ/ਜੂਨੀਅਰ ਕੇਸ ਆਨਲਾਈਨ ਅਪਲਾਈ ਕਰਨ ਸਬੰਧੀ ਹਦਾਇਤ ਕੀਤੀ ਜਾਵੇ ਤਾਂ ਜੋ ਮਾਨਯੋਗ ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈ ਕੋਰਟ ਦੇ ਫੈਸਲੇ ਸਨਮੁੱਖ ਉਕਤ ਕੇਸ ਵਿੱਚ ਮੂੰਹ ਬੋਲਦੇ ਹੁਕਮ ਜਾਰੀ ਕੀਤੇ ਜਾ ਸਕਣ, ਪ੍ਰੰਤੂ ਅਜੇ ਤੱਕ ਆਪ ਵੱਲੋਂ ਉਕਤ ਰਿੱਟ ਪਟੀਸ਼ਨ ਵਿੱਚ ਪਟੀਸ਼ਨਰਾਂ ਦੇ ਸੀਨੀਅਰ/ਜੂਨੀਅਰ ਕੇਸ ਆਨਲਾਈਨ ਪੋਰਟਲ ਤੇ ਅਪਲੋਡ ਹੋਣ ਜਾ ਨਾ ਹੋਣ ਸਬੰਧੀ ਇਸ ਦਫਤਰ ਨੂੰ ਸੂਚਿਤ ਨਹੀਂ ਕੀਤਾ ਗਿਆ।

ਇਸ ਪੱਤਰ ਰਾਹੀਂ ਆਪ ਨੂੰ ਮੁੜ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਮਾਨਯੋਗ ਕੋਰਟ ਦੇ ਹੁਕਮਾਂ ਦੀ ਪਾਲਣਾ ਕਰਦੇ ਹੋਏ ਸੂਚਨਾ ਤੁਰੰਤ ਇਸ ਦਫਤਰ ਨੂੰ ਭੇਜੀ ਜਾਵੇ ਤਾਂ ਜੋ ਉਕਤ ਕੇਸ ਵਿੱਚ ਲੋੜੀਂਦੇ ਸਮੇਂ ਦੇ ਅੰਦਰ-ਅੰਦਰ ਮੂੰਹ ਬੋਲਦੇ ਹੁਕਮ ਜਾਰੀ ਕੀਤੇ ਜਾ ਸਕਣ।

ਦਫਤਰ ਡਾਇਰੈਕਟਰ ਸਿੱਖਿਆ ਵਿਭਾਗ (ਸੈ:ਸਿ) ਪੰਜਾਬ, ਐਸ.ਏ.ਐਸ ਨਗਰ।

ਸਹਾਇਕ ਡਾਇਰੈਕਟਰ (ਸ.ਪ-2)

ਮਿਤੀ ਮਾਮਲਾ ਨੰ. ਮ-3/1/2022-53435

ਮਿਤੀ ਮਾਮਲਾ ਨੰ. 8-3-2022

ਉਪਰੋਕਤ ਦੇ ਉਤਰਾਂ ਵਿੱਚ/ਪਰ/ਮੁੱਖ ਸਿੱਖਿਆ ਪਰ ਡਿਪਟੀ, ਕੋਰੀ ਕਰਾਂ, ਟੋਟਲਾ ਤੇ ਤੋਰ ਕਾ. 02/12/21 ਨੂੰ ਜਾਂਚ ਕੀਤੀ ਉਕਤ ਸਬੰਧੀ ਕਾਨੂੰਗੋ ਕਾਰੇ ਡਿਪਟੀ ਤੋਰੇ ਇਸ ਦਫਤਰ ਤੋਂ ਕੀਤੀ ਜਾਵੇ।

2. ਮਿਤੀ 03/02/22
ਡਾਇਰੈਕਟਰ ਸਿੱਖਿਆ ਵਿਭਾਗ (ਸੈ:ਸਿ) ਪੰਜਾਬ

NITESH SINGLA

ADVOCATE

PUNJAB AND HARYANA HIGH COURT CHANDIGARH

#2151 Sector 38C, Chandigarh

PHONE: 98760-27150

Email:- niteshsingla1988@gmail.com

Ref No. LN/SS/

Registered

Dated 19.08.2021

To

1. The Secretary,
Department of Education (Punjab),
Civil Secretariat, Chandigarh.
2. The Director Public Instructions (SE), Punjab,
Punjab School Education Board Building,
Education Complex, Fifth Floor, Phase 8, Mohali.

Subject: Legal Notice for stepping up the pay of my clients at par with their juniors.

Sir,

Please take notice that my clients hereinafter to be referred as petitioners (Mentioned below) will initiate legal proceedings against you in a Court of competent jurisdiction, if the relief claimed is not granted to them within a period of 30 days. List of clients as under:-

1. ✓ Bachitar Singh Aged 43 Years Punjabi Master S/o Modan Singh,
Govt. Sen. Sec. School, Jhanduke, Distt. Mansa.
R/o VPO Jattana Kalan, Tehsil Sardulgarh, Dist Mansa.
2. Malvinder Singh Toor Aged 39 Years Punjabi Master (Now Lecturer History) S/o Baldev Singh,
Govt. Sen. Sec. School, Majhi, Distt. Sangrur.
R/o Village Rampura, PO Bhawanigarh, Distt. Sangrur.
3. Madhu Bala Aged 42 Years Hindi Mistress D/o Ramesh Kumar,
Govt. Girls. S. School, Maur Mandi, Distt. Bathinda.

R/o Near Roy Hospital, ward No.6, Maur Mandi Distt. Bathinda.

4. Suman Rani Aged 37 Years Hindi Mistress D/o Tarsem Kumar,
Govt. Sen. Sec. School, Kotli Kalan, Distt. Mansa.

R/o ward No.4, Gokal Nagri, Near SBOP, Maur Mandi Distt. Bathinda.

5. Veena Aged 38 Years Sci Mistress D/o Prem Kumar,
Govt. High School, Dodra, Distt. Mansa.

R/o ward No.4 (Now ward No.10), Near Civil Hospital, Budhlada Distt. Mansa.

The relevant facts constituting the cause of action and relief claimed are as under:-

1. That the petitioners joined the education department of the State of Punjab in Master Cadre in the year 2006 on regular basis and their juniors namely:-

1. **Rattandeep Singh Punjabi Master Govt. Sen. Sec. School, Cheema Jodhpur, Distt. Barnala.**
2. **Seema Singla D/o Puran Chand, Hindi Mistress, Govt high School, Dodra, Dist. Mansa.**
3. **Sangita Rani D/o Parkash Chand, Sci Mistress, Gov. Sen. Sec. School, Chuhri Wala Dhanna, Dist. Fazilka**

also joined the education department in master cadre in the year 2008 or thereafter. Admittedly they are juniors to the petitioners in the cadre of Masters/Mistresses. The grievance of the petitioners is that despite being juniors to the petitioners, aforesaid juniors are getting more pay than the petitioners. The detail service particulars of the petitioners and aforesaid juniors i.e. name and date of joining are as under:-

Sr. No.	Name	Date Of Regular Joining In Master Cadre	Subject	Seniority No. as per Master Cadre Seniority List 19.06.2019
1	Bachitar Singh	27.12.2006	Punjabi	31943
2	Malvinder Singh Toor	07.12.2006	Punjabi	32326
3	Madhu Bala	22.12.2006	Hindi	31835
4	Suman Rani	22.12.2006	Hindi	31740
5	Veena	20.12.2006	Sci.	31062
junior	Rattandeep Singh	11.11.2008	Punjabi	33598
junior	Seema Singla	01.04.2011	Hindi	35588
junior	Sangita Rani	01.04.2011	SCIENCE	37098

Pay comparisons of the Petitioners with their juniors are as under:-

Bachitar Singh, Punjabi master / Petitioner No.1 appointed on 27-12-2006	Malvinder Singh Toor, Punjabi master / Petitioner No.2 appointed on 07-12-2006	Pay Fixation		Rattandeep Singh Punjabi Master Govt. Sen. Sec. School, Cheema Jodhpur, Distt. Barnala / Junior appointed on 11-11-2008		
Dated	Dated	Basic Pay	Remarks	Dated	Basic Pay	Remarks
27.12.2006	7.12.2006	10830+360 0=14430	Pay Fixation	_____	_____	_____
01.12.2007	01.12.2007	11270+360 0=14870	Annual Increment	_____	_____	_____
01.12.2008	01.12.2008	11720+360 0=15320	Annual Increment	11/11/2008	10830+360 0=14430	Pay Fixation
01.12.2009	01.12.2009	12180+360 0=15780	Annual Increment	01/11/2009	11270+360 0=14870	Annual Increment
01.12.2010	01.12.2010	12660+360 0=16260	Annual Increment	01/11/2010	11720+360 0=15320	Annual Increment
27.12.2010	7.12.2010	13150+380 0=16950	4 Years ACP	01/10/2011	13430+460 0=18030	Grade Revision
01.10.2011	01.10.2011	13430+460 0=18030	Grade Revision	01/12/2011	13450+500 0=18450	Grade Revision
01.12.2011	01.12.2011	13450+500 0=18450	Grade Revision	1/10/2012	14010+500 0=19010	Annual Increment
11.11.2012	11.11.2012	13450+500 0=18450	_____	11/11/2012	14590+500 0=19590	4 Years ACP

Madhu Bala, Hindi Mistress/Petitioner no.3 Appointed On 22-12-2006 & Suman Rani, Hindi Mistress /Petitioner no.4 Appointed On 22-12-2006			Seema Singla D/o Puran Chand, Hindi Mistress, Govt high School, Dodra, Dist. Mansa / Junior Appointed On 01-04-2011		
Dated	Basic Pay	Remarks	Dated	Basic Pay	Remarks
22.12.2006	10830+3600=14430	Pay Fixation	_____	_____	_____
01.12.2007	11270+3600=14870	Annual Increment	_____	_____	_____
01.12.2008	11720+3600=15320	Annual Increment	_____	_____	_____
01.12.2009	12180+3600=15780	Annual Increment	_____	_____	_____
01.12.2010	12660+3600=16260	Annual Increment	_____	_____	_____
22.12.2010	13150+3800=16950	4 Years ACP	01/04/2011	10830+3600=14430	Initial Pay
01.10.2011	13430+4600=18030	Grade Revision	01.10.2011	13430+4600=18030	Grade Revision
01.12.2011	13450+5000=18450	Grade Revision	01.12.2011	13450+5000=18450	Grade Revision
01/12/2012	14010+5000=19010	Annual Increment	01/12/2012	14010+5000=19010	Annual Increment
01/12/2013	14590+5000=19590	Annual Increment	01/12/2013	14590+5000=19590	Annual Increment
01/12/2014	15180+5000=20180	Annual Increment	01/12/2014	15180+5000=20180	Annual Increment
01/04/2015	15180+5000=20180	_____	01/04/2015	15790+5000= 20790	4 Years ACP

Veena, Science Mistress /Petitioner no.5 Appointed On 20-12-2006			Sangita Rani D/o Parkash Chand, Sci Mistress, Gov. Sen. Sec. School, Chuhri Wala Dhanna, Dist. Fazilka / Junior Appointed On 01-04-2011		
Dated	Basic Pay	Remarks	Dated	Basic Pay	Remarks
20.12.2006	10830+3600=14430	Pay Fixation	_____	_____	_____
01.12.2007	11270+3600=14870	Annual Increment	_____	_____	_____
01.12.2008	11720+3600=15320	Annual Increment	_____	_____	_____
01.12.2009	12180+3600=15780	Annual Increment	_____	_____	_____
01.12.2010	12660+3600=16260	Annual Increment	_____	_____	_____
20.12.2010	13150+3800=16950	4 Years ACP	01/04/2011	10830+3600=14430	Initial Pay
01.10.2011	13430+4600=18030	Grade Revision	01.10.2011	13430+4600=18030	Grade Revision
01.12.2011	13450+5000=18450	Grade Revision	01.12.2011	13450+5000=18450	Grade Revision
01/12/2012	14010+5000=19010	Annual Increment	01/12/2012	14010+5000=19010	Annual Increment
01/12/2013	14590+5000=19590	Annual Increment	01/12/2013	14590+5000=19590	Annual Increment
01/12/2014	15180+5000=20180	Annual Increment	01/12/2014	15180+5000=20180	Annual Increment
01/04/2015	15180+5000=20180	_____	01/04/2015	15790+5000= 20790	4 Years ACP

2. That the service condition of the petitioners and aforesaid juniors is governed

MOHAN SINGH RAWAT
2021.11.30 18:02
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PHIC, CHANDIGARH

by the rules called the Punjab State Education Class-III (School Cadre) Service

17/2880/2022/RECORD-DP/ISE 36
56/2022/REC
Rules 1978 (hereinafter called the rules). Rule-11 of the rules deals with seniority. It has been provided in rule-11 of the rules that the seniority in each cadre of the Service shall be determined on the basis of continuous length of service on a post in that cadre of the service. Rule-11 of the rules read as under:-

"11. The seniority in each cadre of the Service shall be determined on the basis of continuous length of service on a post in that cadre of the service: Provided that -

- i) in the case of members recruited by direct appointment the order of merit determined by the Commission, the Board or any other recruiting authority, as the case may be, shall not be disturbed.**
- ii) in case of two or more members appointed on the same date seniority shall be determined in the following manner:-**
 - (a) a member recruited by direct appointment shall be senior to a member recruited otherwise;**
 - (b) a member appointed by promotion shall be senior to a member appointed by transfer;**
 - (c) in the case of members appointed by promotion or transfer, seniority shall be determined according to the seniority of such members in the appointments from which they were promoted or transferred; and**
 - (d) in the case of members appointed by transfer from different cadres, their seniority shall be determined according to pay, preference being given to a member who was drawing a higher rate of pay in his previous appointment; and if the rates of pay drawn are also the same, then by their length of service in those appointments; and if, the length of such service is also the same, an older member shall be senior to a younger member.**

Note:- Seniority of members appointed on purely provisional basis, shall be determined as and when they are regularly appointed keeping in view the date of such regular appointment."

3. That the State Government appointed the 5th Pay Commission for recommendations of pay scales to various categories of employees working in the State of Punjab. On receipt of the recommendations of the Commission, the

pay scales were revised. It promulgated the rules called the Punjab Civil Services (Revised Pay) Rules, 2009. These rules were made applicable w.e.f. 1.1.2006. The Masters/Mistresses were granted the pay scale of Rs.10300-34800+3600 Grade Pay.

4. That in order to give more incentive to the employees, the Governor of Punjab was pleased to grant 'Assured Career Progression Scheme' on completion of 4, 9 and 14 years of service in a Cadre w.e.f. 1.11.2006 vide circular letter dated 3.11.2006. A bare perusal of this scheme would show that it was decided that an employee after a service of 4, 9 and 14 years in a post or posts in the same cadre, who is not promoted to a higher level on account of non-availability of vacancy or non-existence of a promotional avenue in the Cadre, shall be granted the pay scale which is next higher in the hierarchy of pay scales.
5. That consequent upon the coming into force of the Punjab Civil Services (Revised Pay) Rules, 2009 and instructions of the Assured Career Progression Scheme, an anomaly arose whereby a senior employee started getting less pay as compared to his junior employee. In order to remove the anomaly, the Government of Punjab issued instructions dated 12.08.2010 whereby it was decided to remove the anomaly by stepping up the pay of senior Government employee drawing less pay than their juniors subject to the conditions that the junior and senior Government employees should belong to the same cadre and the posts in which they have been promoted should also be identical and in the same cadre.
6. That the Government of Punjab, Department of Finance issued a circular letter dated 5.10.2011, whereby pay scales of teaching personnel of the department of education were further revised w.e.f. 1.10.2011. The Masters/ Mistresses were granted the pay scale of Rs.10300-34800+ 4600 Grade Pay with initial pay of Rs.18030/-. In view of this revision of pay scales, the basic pay of the petitioners as well as aforesaid juniors was fixed as Rs.18030/- w.e.f.

86/2022

7. That the Government of Punjab, Department of Finance further revised the pay scale of Master/Mistress w.e.f. 1.12.2011 vide circular letter dated 8.12.2011. The Masters/Mistresses were placed in the pay scale of 10300-34800 + 5000 Grade Pay with initial pay of Rs.18450/-. The basic pay of the petitioners as well as aforesaid juniors was fixed as Rs.18450/- w.e.f. 1.12.2011./-
8. That it is relevant to mention here that the junior employees who were appointed in the year 2008 or thereafter (aforesaid juniors) were granted the benefit of one additional increment of proficiency step up under the Assured Career Progression Scheme on completion of 4 years of regular service in the re-revised pay of 2011 and due to that juniors started to getting more Basic Pay than the seniors appointed in the year 2006 (Petitioners). It is pertinent to mention here that the said anomaly has arisen due to the Assured Career Progression Scheme and Grade revision of 2011.
9. That consequent upon the coming into force of the Revised Pay Rules, 2011 and instructions of the Assured Career Progression Scheme, an anomaly arose whereby a senior employee started getting less pay as compared to his junior employee. In order to remove the anomaly, the Government of Punjab issued instructions dated 22.08.2019 whereby it was decided to remove the anomaly by stepping up the pay of senior Government employee drawing less pay than their juniors subject to the following conditions:

"(a) The junior and senior government employees should belong to the same cadre.

(b) Before the implementation of re-revised pay scales in the year 2011, the senior government employee had been drawing pay equal to or more than the pay of the junior.

(c) The anomaly should be directly as a result of re-revised pay scale in the year 2011.

(d) The next increment of senior government employee shall be admissible on the same date as

that of his junior, in respect to whom, he has got his pay stepped up.

- (f) The benefit of stepping up of pay can be allowed to the senior employees for the second time, if the anomaly has again arisen with reference to the pay of the same junior in respect of whom, the pay of the senior was stepped up for the first time"*

It pertinent to mention here that case of petitioner is fully covered by the aforesaid notification.

10. That while deciding the claims of pay parity of some other employees vide speaking order no. **DPISE-EST30CC (CWP)/66/2020-Establishment-3-DPISE/114121 dated 03.03.2021** passed in pursuance of order dated 24.09.2020 in CWP No. 8569 of 2020, Director Public Instructions (SE), Punjab observed that due to stay on the seniority list of master cadre, department will consider only those cases of pay parity in which the employee compare his pay with a junior employee of the same subject or gender.

It is pertinent to mention here that in view of observations made by your department each petitioner is comparing his pay with the junior employee of the same subject & gender. Therefore petitioners are entitled to the benefit of pay parity at par with their juniors.

11. That the action of the your department in not stepping up the pay of the petitioners at par with their aforesaid juniors is totally illegal, arbitrary, unjust and against the instructions dated 22.08.2019, whereby it was decided by the Government to step up the pay of senior employees upto the level of pay of the junior. Admittedly the petitioners are senior to the aforesaid juniors employees. It is pertinent to mention here that the petitioners as well as the aforesaid juniors belong to the same cadre. The pre revised scales and the

which they are entitled to draw pay, are also identical. Even the anomaly has arisen due to the Assured Career Progression Scheme made applicable w.e.f. 1.11.2006 and pay revision of 2011. The petitioners are entitled to the basic pay at par with their juniors.

12. It is further submitted here that petitioners are entitled for at least 38 months of arrears of revised salary in view of Letter No. 6/46/2010-1FP2/322892/1 dated 13.10.2014 issued by the department of Finance.

13. That it is well settled law that a senior employee cannot be paid less salary than his junior and such anomaly cannot be allowed to continue. Therefore, the pay of my clients is also required to be stepped up at par with their aforesaid juniors alongwith all consequential benefits.

I, therefore, request your good selves to step up the pay of my clients at par with their aforesaid juniors and further to grant all arrears of pay and consequential benefits alongwith interest @ 12% p.a. within a period of 30 days from the date of receipt of this notice otherwise there will be no option with my clients except to approach the Hon'ble High Court for the redressal of their grievances.

(NITESH SINGLA)

ADVOCATE

NOTE: - A copy of this legal notice has been retained in my office for further necessary action.

Certified to be true copy

advocate 