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16/9/22

OFFICE OF THE DIRECTOR PUBLIC INSTRUCTIONS (S.E.), PUNJAB  
O/O P.S.E.B. COMPLEX, PHASE-8, SAS NAGAR  
ESTABLISHMENT-1 BRANCH  
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julia

Order No.3523671/20222 49661-65

Dated : 16.09.22

SPEAKING ORDERS

1.0 And Whereas, Sh.Amrinder Singh, aged 44 years, son of Sh.Jagjit Singh, presently working as Lecturer (Punjabi) in the Government Senior Secondary School, Burj Gill, District Bathinda, permanent resident of village and PO Bhairupa, H.NO. 139, Agwar Langer Da Patti Kangar, Tehsil Rampura Phul, District Bathinda (Punjab) and 70 others had filed a CWP No.8281 of 2022 – “Amrinder Singh and others Vs. State of Punjab and others” before the Hon'ble High Court.

2.0 And Whereas, the above said writ petition had disposed of by the Hon'ble Punjab and Haryana High Court, vide its judgment and order dated 10.12.2021, operative part of which reads as under:-

*"Present petition has been filed under Article 226 of the Constitution, inter-alia, for issuance of a writ in the nature of certiorari quashing the impugned action of the respondents; whereby petitioners have been denied the benefits of ACP w.e.f. their respective due dates as mentioned in Annexure P-1.*

*Learned counsel, on instructions from the petitioners submitted that instead of pressing the present petition on merits, his clients would be satisfied in case the legal notice dated 10.02.2022 (P-9) is decided expeditiously.*

*Notice of motion to that limited extent.*

*Ms. Maloo Chahal, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents, and raises no objection against the innocuous prayer of the petitioners.*

*In view of the agreed stand taken by both sides, but without going into the merits of the controversy, this writ petition is disposed off with direction to respondent No.3-Director Public Instructions (Secondary Education), Punjab, to consider and decide the aforesaid legal notice in accordance with law by passing a reasoned order within a period of 06 (six) months from the receipt of certified copy of this order.*

*Needless to say that in case there is a failure on the part of competent authority, petitioners would be at liberty to move an appropriate application for revival of this writ petition and the same shall be considered as per law.*

3.0 And Whereas, consequently, in due compliance of the aforesaid directions of the Hon'ble High Court and in order to decide claim of the petitioners as raised in



the legal notice dated 10-02-2022 (Annexure P-9), the undersigned has carefully gone through the contents of the said legal notice, official records pertaining to this matter which have been produced before the undersigned and other related factors. On perusal of the above, it has found that the precise grievance of the petitioners is that they are entitled for their 4, 9 and 14 years ACP benefits w.e.f. during which period, the petitioners had discharged higher responsibilities of Drawing and Disbursing Officers as Principals/ Head Master/Head Mistresses by treating their regular service for the purpose of grant of benefit of ACP on completion of 4,9 and 14 years' service.

4.0 And whereas, the said claim of the petitioners has been considered with reference to official records. For the right decision of the case, the requisite reports were also sought from the concerned District Education Officers (Secondary Education) of the petitioners. Upon perusal of official records along with the above reports, it has found that initially the petitioners were granted benefit under ACP scheme with effect from their completion of 4, 9 and 14 years of service into their parent cadre. It is also on the record that the petitioners had officiated to the post of Principal/Head Master/ Head Mistresses for which they had already granted the benefit of higher responsibility in the form of one additional increment.

5.0 And Whereas, for the right decision of the case it would be appropriate to discuss the basic objects of the notification dated 25-09-1998 issued by the Government of Punjab, Department of Personnel and Administrative Reforms contained in circular letter No. 7/37/98 – 5 PP I/12851, dated 25.9.1998 relating to Implementation of the recommendations of the Fourth Punjab Pay Commission under 'Assured Career Progression Scheme'. Sub para (vii) of Para 2(a) of the aforesaid instructions reads as under:-

*"If an employee is promoted to the next higher promotional post in the regular way at any time before one of the benefits under this scheme becomes due, the grant of such benefits shall postponed accordingly and shall be granted after completion of service of 8 years in such promotional post. If the promotion of an employee to higher post occurs after having got placement in higher scale of the proficiency step-up under this scheme, the benefit of only one increment instead of two increments normally admissible on promotion shall be given in fixing his pay in the scale of pay of the promotional post";*

6.0 And whereas, this fact has also brought into my notice that the Government has already clarified the matter in question vide instructions/letter no. 11/62/17-5E6/ 1038659/1-4 dated 07-08-2017, whereby, it was directed that those who had worked as Drawing and Disbursing Officer and those lecturers had got the said one additional increment in lieu of availing the DDO powers, such period shall not be counted for the benefit of ACP while granting said benefit.

7.0 And Whereas, the benefit under ACP Scheme was allowed after completion of 4, 9 or 14 years of service into their parent cadre. The aforesaid instructions, inter-alia, lay down that if an employee is promoted to the next higher promotional




post in the regular way at any time before one of the benefits under this scheme becomes due, the grant of such benefits shall postponed accordingly and shall be granted after completion of service of 4, 9 and 14 years in such promotional post. In the present case, the petitioners had officiated to the post of Principal/Headmaster/ Headmistress on different intervals (As per Flag-A attached with this order) for which they had also given the benefit of higher responsibility in the form of one additional increment. It is akin to the promotion, thus, as per policy instructions of the State Government, while reckoning period of 4, 9 and 14 years of service rendered by the petitioners in a cadre, the benefit under ACP scheme was required to be postponed for the period for which the petitioners had officiated to the post of Principal/Headmaster/Headmistress. Thus, upon completion of 4,9 and 14 years' service in their parent cadre, the benefit under ACP scheme has rightly been carry forwarded to the extent of period for which the petitioners had officiated to the post of Principal/Headmaster/Headmistress. Therefore, owing to these reasons, the undersigned has not found any ambiguity and infirmity in the grant of benefit under ACP Scheme to the petitioners vide subsequent orders issued by their respective DDO's in the different years, while reckoning the period of 4,9 and 14 years' service. Therefore, no action is warranted in revising such benefit already granted to the petitioners. Consequently, finding no substance in the claim of the petitioners as raised in the legal notice dated 10-02-2022 for the grant of benefit under ACP scheme with effect from the dates demanded by the petitioners upon completion of 4,9 and 14 years' service, the same is hereby rejected and ordered accordingly.

**Kuljit Paul Singh Mahi, P.C.S.**  
**Director Public Instructions (S.E.) Punjab**

Endst. No. Even/2022249661-65 Dated, 16.09.22

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


1. P.A./DPI(S.E.), Punjab.
2. Nodal (Legal Cell), O/o DPI (S.E.), Punjab, S.A.S.Nagar.
3. The Concerned District Education Officer (Secondary Education)
- ✓ 4. Concerned School Head.
5. All the petitioners be served through their DEO's and compliance report be sent to this office accordingly.

  
 Assistant Director (SA-1)

2230 ਪ੍ਰਤੀ ਪ੍ਰਧਾਨ ਮੰਤਰੀ (4) ਮਿਸ਼ਨ

ਪਿਛੇ ਮਿਤੀ ਨੰ. ਮ-3/2022251364 ਮਿਤੀ ਮਿਸ਼ਨ 16-9-2022

ਬੁਨਦਤ ਤੇ ਬੁਨਦਤ ਨਵੀਂ ਸ਼ਾਹ ਨਿਯਮਿਤ ਮੰਤਰੀ ਅਨੁਸਾਰੀ  
 ਨੰ 2 ਨਵੀਂ ਮੰਤਰੀ ਮਿਸ਼ਨ (ਅਦਿ) 1/23 ਤਿਥੀ ਮਿਤੀ 16

  
 ਪ੍ਰਤੀ ਪ੍ਰਧਾਨ ਮੰਤਰੀ (4)  
 ਮਿਸ਼ਨ