

ਦਫਤਰ ਡਾਇਰੈਕਟਰ ਸਿੱਖਿਆ ਵਿਭਾਗ (ਸੈ.ਸਿ), ਪੰਜਾਬ, ਐਸ.ਏ.ਐਸ. ਨਗਰ
(ਬਜਟ ਸ਼ਾਖਾ)

(Email: dpise.budget@punjabeducation.gov.in)

ਵੱਲ:

ਜਿਲ੍ਹਾ ਸਿੱਖਿਆ ਅਫਸਰ (ਸੈ.ਸਿ),
ਅੰਮ੍ਰਿਤਸਰ, ਹੁਸ਼ਿਆਰਪੁਰ, ਬਠਿੰਡਾ, ਮਾਨਸਾ ਅਤੇ ਸੰਗਰੂਰ

ਮੀਮੇ ਨੰ: 1770496-21/95-2018 ਬਜਟ(1)/2022 270496

ਮਿਤੀ: ਐਸਏਐਸ ਨਗਰ: 12-10-2022

ਵਿਸ਼ਾ: ਸਿਵਲ ਰਿੱਟ ਪਟੀਸ਼ਨ ਨੰਬਰ 3568 ਆਫ 2018, ਕਸ਼ਮੀਰ ਸਿੰਘ ਅਤੇ ਹੋਰ
ਬਨਾਮ ਪੰਜਾਬ ਸਰਕਾਰ ਅਤੇ ਹੋਰ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਦੇ ਸਬੰਧ ਵਿੱਚ ਆਪ ਨੂੰ ਸਿਵਲ ਰਿੱਟ ਪਟੀਸ਼ਨ ਨੰਬਰ
3568/2018 ਵਿੱਚ ਵਿੱਤ ਵਿਭਾਗ (ਵਿੱਤ ਅਤੇ ਪੈਨਸ਼ਨ ਪਾਲਿਸੀ ਸ਼ਾਖਾ) ਵੱਲੋਂ, ਮਾਨਯੋਗ ਅਦਾਲਤ ਦੇ
ਹੁਕਮ ਮਿਤੀ 11.03.2022 ਦੇ ਸਨਮੁੱਖ ਜਾਰੀ ਕੀਤੇ ਮੂੰਹ ਬੋਲਦੇ ਹੁਕਮਾਂ ਦੀ ਕਾਪੀ ਈਮੇਲ ਰਾਹੀਂ ਭੇਜਦੇ
ਹੋਏ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਆਪਣੇ-ਆਪਣੇ ਜਿਲ੍ਹੇ ਨਾਲ ਸਬੰਧਤ ਪਟੀਸ਼ਨਰਾਂ ਨੂੰ ਮੂੰਹ ਬੋਲਦੇ ਹੁਕਮਾਂ ਦੀ
ਕਾਪੀ ਰਸੀਵ ਕਰਵਾਉਣ ਉਪਰੰਤ ਇਸ ਦਫਤਰ ਨੂੰ ਸੂਚਿਤ ਕੀਤਾ ਜਾਵੇ।

ਸੁਪਰਡੈਂਟ ਬਜਟ ਸ਼ਾਖਾ

ਦਫਤਰ ਸਿੱਖਿਆ ਵਿਭਾਗ (ਸੈ.ਸਿ) ਮਾਨਸਾ
ਪਿੰਡ ਮਾਨਸਾ ਆ ਮ-3/2022 277766
ਉਪਰੋਕਤ ਦੇ ਉਤਰਾਂ ਨਵੀਂ ਮਾਨਸਾ ਵਿਖੇ ਮੁਕਾਮਲ ਕੀਤੇ ਗਏ ਹਨ।
ਕਾਨੂੰਗੋ/173 ਤੇਜ਼ੀ ਨਾਲ ਜਾਂਚ ਕੀਤੀ ਜਾਵੇ।
ਮਿਸ/ਮਾਨਸਾ 28-10-2022
ਭ ਸਿੱਖਿਆ ਵਿਭਾਗ (ਸੈ.ਸਿ) ਮਾਨਸਾ

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10-2022

Government of Punjab
Department of Finance
(Finance Pension Policy and Coordination Branch)

my

Ullah
C.

Speaking Order

And whereas, Kashmir Singh and others had filed the Civil Writ Petition No. 3568 of 2018 before the Hon'ble Punjab and Haryana High Court seeking quashing of Punjab Government circular dated 13.06.2012 (Annexure P-7) whereby, it was decided that the pension of the pre 01.01.2006 pensioners is to be revised only once with reference to the initial pay of revised scale of pay as on 01.01.2006, and the subsequent re-revision of scales of pay has no co-relation, whatsoever, with the pension of such pensioners. Similarly, the pension of those pensioners, who are retiring from 01.01.2006 onwards is relatable only to the 'pay' drawn in the admissible scale of pay at the time of their retirement and it has no co-relation, whatsoever, with the re-revision of pay scales from any subsequent date, it being illegal and arbitrary and further action of the respondents in not fixing the pension in terms of the rules governing their conditions of service as well as Government circular dated 17.08.2009 and 22.02.2010 (Annexures P-5 & P-6) and to issue directions to fix the revised pension and pensionary benefits w.e.f. 01.01.2006 along with all consequential benefits including interest @18% per annum. Prayer is for directing the respondents to re-fix pension and pensionary benefits of the petitioners as per the Notifications dated 17.08.2009 and 22.02.2010 in light of the judgements rendered in CWP No. 25733 of 2012 A P Sharma Vs State of Punjab and CWP No. 2866 of 2014-Karanvir Singh and others Vs State of Punjab by the Hon'ble High Court.

2. The Hon'ble High Court disposed of the present petition vide order dated 11.03.2022. The operative part of the judgement is reproduced here as under:-

"learned counsels for the parties agree that the present petition may kindly be disposed of in terms of order passed by this Court on CWP

for

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No. 29648-2017, titled as "Jasbir Kaur and others Vs. State of Punjab and another" decided on 10.02.2020, as the same squarely covers the dispute raised by the petitioners in the present petition.

The Operative part of the judgement passed by the Hon'ble Court in CWP No. 29648-2017, titled as " Jasbir Kaur and others Vs. State of Punjab and another" decided on 10.02.2020 is as under:-

"Accordingly, a direction is issued to respondent No. 1 to consider the claim of the petitioners for revision of their pensionary benefits keeping in view the law laid down by this Court in A.P. Sharma's case (supra) read with Instructions dated 04.07.2019 issued by the Government of Punjab on the same subject and pass appropriate speaking order within a period of three months from the date of receipt of certified copy of this order.

In case, after passing of the said order, it is found that petitioners are entitled for the benefits as being claimed by them for refixation of their pension, the same be released to them within a further period of two months.

Writ petition is disposed of in above terms."

3. In due compliance of the aforesaid orders of the Hon'ble High Court, the undersigned has gone through the contents of the CWP No. 3568 of 2018 filed by the petitioners and judgment/order dated 10.02.2020 passed in CWP No. 29648 of 2017 titled as Jasbir Kaur and others Vs. State of Punjab and another, official record, relevant instructions and related facts of the case.

And whereas, in pursuant to the above order, it came forth that the petitioners in the present writ petition belong to teaching cadre and these petitioners belong to Department of School Education, Punjab.

4. It is submitted that Department of Finance, Govt. of Punjab issued instructions 4/13/13-1FPPC/1010607/1 dated 27.06.2017 quashing the

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earlier issued notification dated 13.06.2012, whereby, it was decided that the pension of the pre 01.01.2006 pensioners is to be revised only once with reference to the initial pay of revised scale of pay as on 01.01.2006, and any subsequent re-revision of scales of pay has no co-relation, whatsoever, with the pension of such pensioners. Similarly, the pension of those pensioners, who were retiring from 01.01.2006 onwards is relatable only to the 'pay' drawn in the admissible scale of pay at the time of their retirement and it had no co-relation, whatsoever, with the re-revision of pay scale from any subsequent date and directed implementation of the judgement dated 22.10.2013 in CWP NO. 25733 of 2012 titled as AP Sharma and Others Vs. State of Punjab and Others dealing with pay fixation of pensioners retired prior to 01.01.2006. On the basis of instructions dated 27.06.2017 and orders passed by Hon'ble High Court, Director Public Instruction (SE) Punjab issued a Speaking Order No. 21/86-2016 B(3) dated 20.07.2017, subject to which all the concerned field offices/ subordinate Departments were issued instructions to revise the pensions of all the pensioners as per the instructions of the Government dated 27.06.2017 and Judgement of the Hon'ble High Court in all the similarly situated cases. The Finance Department vide its letter no. 4/61/2014-2FPPC/1052 Dated 04.07.2019 had issued instructions to amend the circulars dated 02.08.2017 and 18.09.2017 and to remove the discrepancies being faced by post 01.01.2006 retirees i.e. who had retired between 01.01.2006 to 30.11.2011 and to ensure the implementation of Hon'ble High Court's directions in AP Sharma Vs State of Punjab and Karanvir Singh Vs State of Punjab cases. According to these instructions the Government decided to implement the decision of Hon'ble High Court in AP Sharma case and other similarly situated cases, whereby the pensions of post 01.01.2006 retirees was re-fixed with effect from 01.12.2011 on the basis of last pay drawn at the time of their retirement. As a sequel, the pensions of all the pensioners belonging to different cadres, was re-fixed according to these instructions (supra). The instructions dated 04.07.2019

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were duly issued in order to put at rest the discrepancies with regard to pre 01.01.2006 retirees and the employees who retired between 01.01.2006 to 30.11.2011. The relevant para 3 of the Government instruction No. 4/61/2014-2FPPC/1052 dated 04.07.2019 is reproduced as below:-

"3. The pension of the retirees who retired between 01.01.2006 to 01.12.2011, shall be fixed on the basis of last pay drawn at the time of their retirement. However, the benefits of enhanced pension will be admissible with effect from 01.12.2011."

5. And whereas, in the present case, there were 17 petitioners in this writ petition. 10 petitioners are related to Director Public Instruction (SE), Punjab and 07 petitioners are related to Director Public Instruction (EE), Punjab. In due compliance to above directions, the petitioners who were found to be eligible for pensionary revision as per the instructions dated 04.07.2019, their pension was revised accordingly and the cases were forwarded to the office of Accountant General, Punjab, being the competent authority to revise the pensions of the pensioners. As per the compliance reports received from the concerned District Education Officers (S.E.) Punjab and District Education Officers (E.E.), Punjab, the pension of the entitled petitioners has already been revised accordingly. The arrears (if any) are to be released by the concerned banks. The compliance report with regard to the revision of pension and arrears is annexed herewith.

6. In view of the facts stated above, I am of the considered view that the order dated 11.03.2022 passed by the Hon'ble Court has been complied with in its letter and spirit and all the benefits in view of the Government instructions already stand duly disbursed to the petitioners.

7. Thus the claim of the petitioners is disposed of in above terms accordingly.


Principal Secretary, Govt. of Punjab
Deptt. of Finance

Endst. No./FD.FPPCOCMPS/34/2022/1/439571/2022 Dated: 07.10.2022

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The copy is forwarded to the following for information and further necessary action:-

1. Secretary to Government of Punjab, Department of School Education, Chandigarh.
2. Director Public Instruction (SE), Punjab.
3. Director Public Instruction (EE), Punjab.
4. Concerned District Education Officers (SE), Punjab are directed to forward a copy of this order to the petitioners belonging to their districts positively.

Harninder Singh
Superintendent