

ਦਫਤਰ ਜਿਲ੍ਹਾ ਸਿੱਖਿਆ ਅਫਸਰ (ਸੈ.ਸਿੱ) ਮਾਨਸਾ

ਵੱਲ

ਸਬੰਧਤ ਪ੍ਰਿੰਸੀਪਲ/ ਹੈਡ ਮਾਸਟਰ
ਸ.ਸ.ਸ/ਸ.ਹ.ਸ ਧਰਮਪੁਰਾ, ਰਾਮਗੜ੍ਹ ਸਾਹਪੁਰੀਆ,
ਸਮਿਸ ਦਿਆਲਪੁਰਾ, ਬਰੇਟਾ (ਪਿੰਡ) ਕੰਪ. ਬਰੇਟਾ (ਮ),

ਪੱਤਰ ਨੰ: ਅ-3/1()2023/20239596/

ਮਿਤੀ ਮਾਨਸਾ: 31.3.2023

ਵਿਸ਼ਾ: ਆਪ ਦੇ ਸਕੂਲ ਨਾਲ ਸਬੰਧਤ ਪਟੀਸ਼ਨਰਾਂ ਨੂੰ ਦਿੱਤੇ ਗਏ ਜੇ.ਐਸ.ਟੀ ਗ੍ਰੇਡ ਅਨੁਸਾਰ ਏਰੀਅਰ ਦੇਣ ਸਬੰਧੀ।

ਹਵਾਲਾ: ਡਾਇਰੈਕਟਰ ਸਿੱਖਿਆ ਵਿਭਾਗ (ਸੈ.ਸਿੱ), ਪੰਜਾਬੀ ਜੀ ਦੇ ਹੁਕਮ ਨੰ: 20/129-18 ਈ.-11(2) 2019143411-13 ਮਿਤੀ 10.05.2019 ਦੇ ਸਬੰਧ ਵਿੱਚ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਅਤੇ ਹਵਾਲਾ ਪੱਤਰ ਦੇ ਸਬੰਧ ਵਿੱਚ ਡਾਇਰੈਕਟਰ ਸਿੱਖਿਆ ਵਿਭਾਗ (ਸੈ.ਸਿੱ) ਪੰਜਾਬ ਜੀ ਦੇ ਹਵਾਲਾ ਪੱਤਰ ਅਨੁਸਾਰ ਆਪ ਦੇ ਜਿਲ੍ਹੇ ਨਾਲ ਸਬੰਧਤ ਪਟੀਸ਼ਨਰਾਂ ਨੂੰ ਮੋਹ ਬੋਲਦੇ ਹੁਕਮ ਜਾਰੀ ਕੀਤੇ ਗਏ ਸਨ

ਸੋ ਇਸ ਸਬੰਧੀ ਸਬੰਧਤ ਪਟੀਸ਼ਨਰਾਂ ਨੂੰ ਦਿੱਤੇ ਗਏ ਲਾਭਾਂ ਦੀ ਸੂਚਨਾਂ ਤੁਰੰਤ ਇਸ ਦਫਤਰ ਨੂੰ ਭੇਜੀ ਜਾਵੇ ਅਤੇ ਨਾਲ ਹੀ ਇਹ ਦੱਸਣਾ ਯਕੀਨੀ ਬਣਾਇਆ ਜਾਵੇ ਕਿ ਸਬੰਧਤ ਪਟੀਸ਼ਨਰਾਂ ਨੂੰ ਇਸ ਸਬੰਧੀ ਕੋਈ ਏਰੀਅਰ ਦਿੱਤਾ ਗਿਆ ਹੈ ਜਾਂ ਨਹੀਂ। ਇਸ ਨੂੰ ਅਤਿ ਜ਼ਰੂਰੀ ਸਮਝਿਆ ਜਾਵੇ।

ਨਾਲ ਨੱਥੀ: ਸਪਕਿੰਗ ਆਰਡਰ ਦੀ ਕਾਪੀ

ਪ੍ਰੋਫਾਰਮਾ:- ਤਸਦੀਕ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਸ਼੍ਰੀ.....ਅਹੁਦਾਸਕੂਲਨੂੰ ਡਾਇਰੈਕਟਰ ਸਿੱਖਿਆ ਵਿਭਾਗ (ਸੈ.ਸਿੱ), ਪੰਜਾਬ, ਅਜੀਤਗੜ੍ਹ ਜੀ ਦੇ ਹੁਕਮ ਨੰ: 20/129-18 ਈ.-11(2) 2019143411-13 ਮਿਤੀ 10.05.2019 ਅਨੁਸਾਰ ਜੇ.ਐਸ.ਟੀ ਗ੍ਰੇਡ ਦੇ ਦਿੱਤਾ ਗਿਆ ਹੈ/ਨਹੀਂ ਦਿੱਤਾ ਗਿਆ। ਇਸ ਤੋਂ ਇਲਾਵਾ ਕਰਮਚਾਰੀ ਨੂੰ ਇਸ ਸਬੰਧੀ ਏਰੀਅਰ ਦਿੱਤਾ ਗਿਆ ਹੈ/ਨਹੀਂ ਦਿੱਤਾ ਗਿਆ।

ਜੇਕਰ ਹਾਂ ਤਾਂ ^{ਇਨਿਸ}ਜਿਸ ਮਿਤੀਤੋਂ.....ਤੱਕਰੁਪਏ ਦਿੱਤਾ ਗਿਆ ਹੈ

ਜਿਲ੍ਹਾ ਸਿੱਖਿਆ ਅਫਸਰ (ਸੈ.ਸਿੱ)
ਮਾਨਸਾ

14/5/19

-1-

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION (SE) PUNJAB.
(Establishment Branch - II)

Order No. 20/129-18 E-II(2)

Dated, SAS Nagar: 06.05.2019

The following petitioners who belong to Secondary Wing of the Department of School Education namely:-

1. Tarsem Chand A/a 68 years (Retd.) S master S/o Sh. Jethu Rain, Govt. Sen. Sec. School, Dharampura, Distt. Mansa. R/o Near Arya school, Bareta Distt. Mansa.

2. Sohan Lal A/a 61 Years(Retd.) Hindi Master S/o Hem Raj, Govt. Sen. Sec. School, Dharampura, Distt. Mansa. R/o Near Jain Mandir, Bareta, Distt. Mansa.

3. Mela Singh A/a 63 Years(Retd.) Hindi Master S/o Jangir Singh, Govt. High School, Ramgarh Shahpurian, Distt. Mansa. R/o H.No. 33, Mulazam Colony, Bareta, Distt. Mansa.

4. Krishan Kumar A/a 62 Years(Retd.) Hindi Master S/o Devi Dyal, Govt. Middle School, Dyalpura, Complex Govt. Sen. Sec. Bareta, Distt. Mansa. R/o P.N.B Bank Road, Bareta, Distt. Mansa.

5. Kusam Lata A/o 60 Years (Retd.) Hindi Mistress D/o Krishan Chand Gupta. Govt. Middle School, Bareta Village, Complex Govt. High School (Girls), Bareta, Distt. Mansa. R/o W/o Krishan Kumar, P.N.B Bank Road, Bareta, Distt. Mansa.

filed CWP No. 27117 of 2018, which was disposed of by the Hon'ble Punjab and Haryana High Court vice order dated 23.10.2018 with the following operative order:-

"Present writ petition for issuance of directions to the respondents to fix the pay of petitioners along with all consequential benefits, which include arrears along with interest at the rate of 18% per annum since they have already been placed in Category "B" Grade -II as per letter dated 23.07.1957 (Annexure P2) as similarly situated employees have been granted such benefit in view of the judgment rendered by this Court in Baldev Raj Mittal and Others v. State of Punjab and Others (CWP -3931-1992, decided on 15.04.2009).

Learned counsel for the petitioners contended that for that purpose, petitioners got issued legal notice dated 02.05.2018 (Annexure P13) which remained unattended till now.

Notice of Motion.

On asking of the Court, Mrs. Anju Arora, Additional Advocate General, Punjab accepts notice on behalf of the respondents. A complete copy of paper-book be provided to her during the course of the day.

P.T.O.-2

In view of above, present writ petition stands disposed of with the directions to the respondents to look into legal notice dated 02.05.2018 (Annexure P13) and take the required decision thereon, expeditiously, in the light of judgment rendered by this Court in Baldev Raj Mittal's case (Supra) and preferably within a period of three months from the date of receipt of a certified copy of this order.

2. In order to decide claim of the petitioners in due compliance with the above said directions of the Hon'ble Punjab and Haryana High Court, the contents of legal notice dated 2.5.2018 have been perused. In the said legal notice, the petitioners have asserted that while working as JBT/Hindi/Punjabi/Art & Craft/PTI/Domestic Science Teachers etc. they had acquired higher qualification in terms of the Govt. Circular dated 23.7.1957 and according to Government instructions, they were entitled for higher pay scales keeping in view the fact that they had acquired higher qualifications prior to 19.2.1979 and had joined before the said date. The precise claim of the petitioners is that they are entitled to the grant of benefit of Masters/Mistresses/JST scale with an initial start of Rs. 660/- w.e.f. 1.1.1978 and they have prayed for the release of said benefit in view of decision of Hon'ble Punjab and Haryana High Court given in CWP No. 3931 of 1992 titled as Baldev Raj Mittal and others Vs., State of Punjab and others, decided on 15.4.2009 against which an LPA No. 504 of 2012 preferred by the State had already been dismissed.

3. The said judgement of Hon'ble Court passed in CWP No. 3931 of 1992 was also perused, the operative part of which reads as under:-

"In view of the aforesaid position and the order passed by the State Government, all these petitions are disposed of with a direction to the respondents to place the petitioners in the pay scale of Rs. 110-250 with effect from the dates the petitioners have acquired higher qualification. They shall be entitled to subsequent pay revisions, if any. Let the benefit be granted to the petitioners with a period of three months from the date a certified copy of this order is made available to the competent authority. No cost".

4. After perusal of official records, it has come to fore that the petitioners had acquired higher qualifications, the detail of which alongwith dates of such acquisition is as under:-

Name of the petitioner	Nature of higher qualification	Date of acquisition of higher qualification
Sary Sh./Smt.		
Tarseen Chand	BA part-I	6.7.1976
Sohan Lal	BA part-I	10.7.1977
Mela Singh	BA part-I	14.7.1978
Krishan Kumar	BA part-I	5.7.1974
Kusum Lata	BA part-	8.12.1977

P.T.O - 3

5 In the said representation, the applicant has claimed that as per judgement of Hon'ble Punjab and Haryana Court delivered in CWP No. 3931 of 1992 Baldev Raj Mittal and others Vs. State of Punjab, decided on 15.4.2009 he is entitled to the pre-revised pay scale of Rs. 110-250 on acquiring the higher qualification of BA Part-I/FA.

6 It is on the record that against the decision of CWP No. 3931 of 1992, an LPA No. 504 of 2012 preferred by the State of Punjab was dismissed by the Hon'ble Punjab and Haryana High Court vide order dated 22.5.2012. Though against the said decision SLP No. 1868/2013 filed by the Elementary wing of the department has been dismissed by the Apex Court on 4.9.2013 but one SLP preferred by the Secondary Wing of the department is still pending in the Apex Court.

7 Apart from this, with a view to provide for granting of pay scales of teachers as per rules with effect from 1.1.1986 and for the matters connected therewith or incidental thereto and to remove disparity and discrimination within the same class of teachers and to avoid undue and un-reasonable financial liabilities on the State Exchequer, the Punjab Government promulgated an Act namely the Punjab Pay Scales of Teachers Act, 2004. Section 3 of the said Act reads as under:-

"3 Notwithstanding anything contained in any instructions, rule or other law for the time being in force and any judgment, decree, order or decision of any Court, Tribunal or Authority, the teachers shall be entitled only to the pay scales of the posts held by them, which were granted under the Punjab Civil Services(Revised Pay) Rules, 1988, read with Finance Department Notification No. 10/3/89- FPI/953, dated the 20th January, 1989 and the State Government Notification No. 11/64/87- 2 Edu. 6/666, dated the 17th February, 1989, irrespective of their qualifications with effect from the 1st day of January, 1986, and nothing more than that shall be payable to them".

8 It is also on the record that that the enactment of the said Act had been subject matter of controversy in CWP No. 14634 of 2009 Beant Singh and others Vs. State of Punjab and others and connected petitions. While delivering the judgments in the said matters on 30.8.2010, this Hon'ble Court has been pleased to uphold the validity of the said Act. In view of this, all the teaching personnel are entitled to those pay scales which were sanctioned for their post after 1.1.1986 onwards irrespective of their qualification. However, qualification based higher pay scales were to be given to eligible teaching personnel upto 31.12.1985.

9 In view of the aforesaid settled legal position, all the above said petitioners, whose detail is mentioned in opening para of this order are hereby

P.T.O. 4

(c) That the said petitioner subject to the following conditions:
prior to 19.2.1979 and he should have acquired the said higher qualification
prior to the said date.

(d) That a testimonial copy of certificate

(c) That a testimonial copy of certificate of qualifications of the above said petitioners shall be kept on record and authentication and genuineness of the same shall be ensured by the concerned Drawing and Disbursing Officers.

(c) That the benefit of higher pay scale shall be admissible upto 31.12.1985 as per provisions contained in the Punjab Pay Scales of 1985.

(d) That the said petitioners shall not be entitled to the arrears of pay, if any, accrued as a result of her re-fixation of pay.

(v) That any decision to be given by the Apex court in pending SLP shall be binding on the petitioners.

(ii) The concerned Drawing and Disbursing Officers shall be responsible for revision of pensionary benefits of the above said petitioners, if be needed, from the Accountant General, Punjab, Chandigarh.

19. With the aforesaid order, the claim of the said applicant petitioners shall stand disposed of.

(Sukhjeet Pal Singh) PCS,
Director of Public Instruction(SE) Punjab.

Endst. No Even, Dated: 2019143411-13

18.05.2019

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

1. Director of Public Instruction (Elementary Education) Punjab, SAS Nagar, Mohali.
- ✓ 2. District Education Officer (SE) Mansa.
3. All the above said petitioners.

Assistant Director(SA-2)

२७३० विदः सिद्धिमान वा? कठ(म) भावना।

ਦਿੱਤੀ ਮਿਤੀ: ੨੨-੧/੧੭੭੭/੮ | ਨੰਬਰ: 2672

03/10/2020

गो.रा. ५१२

[illegible]

ॐ श्रीगणेशाय नमः ।

ਸੰਖੀ: ਸਮਝ ਦੇਣਾ-ਪੜ੍ਹਾਉਣਾ। ਪੜ੍ਹੇ-ਲਿਖੇ।

ਜਿਲ੍ਹਾ ਸਿੱਖਿਆ ਅਫਸਰ (ਸੈ.ਸਿ.)
ਮੁਕਤਸਰ ੪੨