

OFFICE OF DIRECTORATE OF SCHOOL EDUCATION (SECONDARY) PUNJAB

(Establishment-5 Branch)

Order No: 12/15-2022 Estt.-5(2)

Dated, SAS Nagar: 28-04-2023

Sh. Avtar Singh, aged about 51 years S/o Mara Singh, posted as PTI at Govt. Sen. Sec. School, Khiala Kalan, District Mansa, R/o VPO Akkanwali, Teh. Budhlada, District Mansa and 13 others (detail of which is annexed as Annexure - 1) filed a CWP No. 24546 of 2022 titled as Avtar Singh & others Vs. State of Punjab & others, praying for removal of anomaly between senior and junior PTI Teacher, which as per their averments occurred due to the implementation of the benefits of ACP scheme.

The above writ was disposed of vide judgment dated 21.10.2022 with a direction to competent authority, to decide the legal notice Dated 12.07.2022 (P-7). The operative part is reproduced as under:

"Present writ petition has been filed under Article 226 of the Constitution for directing the respondent department to step up the pay of petitioners at par with their junior/proforma respondent No.6 and further to grant all arrears of pay and consequential benefits along with interest @ 12% P.A. Further prayer is for directing the respondent department to decide the representation dated 08.02.2021 (P-6) and Legal Notice dated 12.07.2022 (P-7).

At the outset, learned Counsel on instructions from petitioner submits that instead of pressing the present petition on merits, his clients

would be satisfied in case the aforesaid Legal Notice dated 12.07.2022 (P-7) is decided expeditiously.

Notice of motion to the aforesaid limited extent.

On asking of the Court, Ms. Lavanya Paul, D.A.G., Punjab accepts notice on behalf of the official respondents and raises no objection against the innocuous prayer of the petitioners.

In view of the above, but without expressing any opinion on merits of the claim of the petitioners, this writ petition is disposed off with direction to the competent authority to consider and decide the aforesaid Legal Notice dated 12.07.2022 (P-7) by passing reasoned order as per law within eight weeks from the date of 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.

Pending application(s), if any, shall also stand disposed off"

2 Whereas, in pursuance hereto, in due compliance with the aforesaid directions of the Hon'ble Punjab and Haryana High Court, the contents of the legal notice dated 12.07.2022 (P-7) were duly examined. As per the averments in the legal notice, the petitioners were appointed as PTI Teacher in year 2006, subsequently, from time to time they were granted the benefits of ACP schemes as per rules.

3 Whereas, as per the submission in the legal notice the junior, who joined in 2009 or later, were granted the benefit of one additional increment under the ACP scheme on completion of 4 years of regular services resulting into their basic pay becoming Rs. 19,630/- whereas the basic pay of the petitioners herein, who

joined in 2006 were given Rs. 19,050/- thus the petitioners got less pay as compared to their junior.

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- 4 That with regard to the reference made by the petitioner, where it is alleged that some juniors to the petitioner are getting higher pay. it is respectfully submitted that the Department of Finance issued letter dated 05.10.2011 with regard to grant of pay scales to various category of teachers, wherein category of PTI Teacher has not been enshrined in this particular letter and such teachers were inadvertently granted pay scale and anomalies ~~were~~ occurred. Now the department is in process ^{of} ~~for~~ reviewing all such cases. Hence the claim of the petitioners is liable to be rejected.

Moreover the Hon'ble Supreme Court in Union of India Vs. Bhanwal Lal Mundan, 2013 (8) SCR, 559 has categorically held that-"Authorities are well within their domain to rectify the erroneous fixation of pay. It is explicitly clear that an erroneous order granting the pay scale higher than the actually admissible one can be rectified any time."

In view of the facts on file as indicated in above paras, the claim of the petitioners herein, is devoid of any merits, ~~in it~~. It is thus ordered to be rejected.

3.19
TEJDEEP SINGH SAINI, P.C.S.
Director, School Education (Secondary) Punjab

28/04/2023

Endst. No. Even/2023/22455 Dated, SAS Nagar : 03-05-2023

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, (Education- 6 Branch) Punjab Civil Secretariat-II, Sector-9, Chandigarh.

2. District Education Officer (SE) Mansa is hereby directed to provide the copy of these orders to all the petitioners and send the compliance report to this Office.
3. Attached list of petitioners. (A, 1)




Assistant Director (SA-5)
O/o Directorate of School Education
(Secondary), Punjab.

ਦਰਦਰ ਸਿੱਖ ਸਿੱਖਿਆ ਅਭਿਆਸ (ਜੈ. ਸਿ.) - ਮਾ. 2
ਪ੍ਰਿੰਟ ਕੀਤਾ ਗਿਆ: ਮਾ-5/1.1.2023/ਜਪੀਐਸੀਐਮ/ਮਾ. 2
ਸਿੱਖੀ - ਮਾ. 2 - 2023/50277-278. 31⁰⁵/₂₀₂₃

ਉਤਾਰਾ ਪੱਥਰ ਸਿੱਖਿਆ ਅਭਿਆਸ ਅਤੇ ਸਿੱਖੀ ਕਾਨੂੰਨੀ
ਦਫਤਰ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ।

1. ਜਥੇਬੰਦ ਸਕੂਲ ਸਿੱਖਿਆ ਅਭਿਆਸ ਅਤੇ
2. ਜਥੇਬੰਦ ਪ੍ਰਬੰਧਕ ਅਭਿਆਸ ਅਤੇ


1. ਸਿੱਖ ਸਿੱਖਿਆ ਅਭਿਆਸ (ਜੈ. ਸਿ.)
- ਮਾ. 2/1.1.2023

IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH

CIVIL WRIT PETITION NO. _____ OF 2022

1. ✓ Avtar Singh Aged 51 Years P.T.I. S/o Mara Singh,
Govt. Sen. Sec. School, Khlala Kalan, Distt. Mansa.
R/o V.P.O. Akkanwall, Teh. Budhlada, Distt. Mansa.
(Aadhar No. 834157294332 & Mobile No. 94173-17001)
2. ✓ Rajandeep Singh Aged 39 Years P.T.I. S/o Dhanna Singh,
Govt. Middle School, Ramanandi, Complex Govt. Sen. Sec. School,
Bhamme Kalan, Distt. Mansa.
R/o Backside Raman Cinema, Ward No. 6, College Link Road, Mansa,
Teh. & Distt. Mansa.
(Aadhar No. 268446806998 & Mobile No. 96243-40009, 94645-40009)
3. ✓ Rajiv Masih Aged 40 Years P.T.I. S/o Lal Masih,
Govt. Sen. Sec. School, Datewas, Distt. Mansa.
R/o Near Mission Primery School, Guru Nanak College Road, Budhlada,
Distt. Mansa.
(Aadhar No. 276232724843 & Mobile No. 98152-80430)
4. ✓ Balwinder Singh Aged 47 Years P.T.I. S/o Sh. Piara Singh,
Govt. Middle School, Dalie Wali, Complex Govt. High School, Makha,
Distt. Mansa.
R/o V.P.O. Raipur, Teh. Sardulgarh, Distt. Mansa.
(Aadhar No. 211968349730 & Mobile No. 89684-45221)

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5. ✓ Deepinder Kaur Aged 38 Years Hindi Mistress D/o Dhanna Singh,
Govt. Middle School, Ghurkani, Complex Govt. Sen. Sec. School, Jhunir,
Distt. Mansa.
R/o W/o Gurwinder Singh, Near Police Station, Boha Road, V.P.O.
Jhunir, Teh. Sardulgarh, Distt. Mansa.
(Aadhar No. 655499775476 & Mobile No. 98766-53002)
6. ✓ Shamsher Singh Aged 46 Years D.P.E. S/o Jagraj Singh,
Govt. High School, Gharangna, Distt. Mansa.
R/o Village Dasondhia, P.O. Lalianwali, Teh. Sardulgarh, Distt. Mansa.
(Aadhar No. 693001853390 & Mobile No. 98725-51834)
7. ✓ Radhe Shyam Aged 37 Years Hindi Master S/o Sat Pal,
Govt. Middle School, Dalle Wali, Complex Govt. High School, Makha,
Distt. Mansa.
R/o Dhir Wali Gali, Near Bus Stand, Ward No. 9, Gali No. 2, Mansa.
(Aadhar No. 577367320298 & Mobile No. 94633-72306)
8. ✓ Niranjan Singh Aged 43 Years Punjabi Master S/o Krishan Singh,
Govt. Middle School, Lakhmirwala, Complex Govt. Sen. Sec. School,
Akkanwali, Distt. Mansa.
R/o V.P.O. Akkanwali, Teh. Budhlada, Distt. Mansa.
(Aadhar No. 924680395994 & Mobile No. 98722-12552)
9. ✓ Jagseer Singh Aged 42 Years P.T.I. S/o Sukhdev Singh,
Govt. Middle School, Saharna, Complex Govt. Sen. Sec. School,
Akkanwali, Distt. Mansa.

R/o V.P.O. Mandhali, Teh. Budhlada, Distt. Mansa.

(Aadhar No. 539011469243 & Mobile No. 98154-62561)

10. ✓ Sukhwinder Singh Aged 42 Years P.T.I. S/o Bharpur Singh,

Govt. Sen. Sec. School, Akkanwall, Distt. Mansa.

R/o V.P.O. Akkanwall, Teh. Budhlada, Distt. Mansa.

(Aadhar No. 800876759689 & Mobile No. 98726-12008)

11. ✓ Balwinder Singh Aged 45 Years P.T.I. S/o Nachhatar Singh,

Govt. Middle School, Khilan, Complex Govt. Sen. Sec. School (Girls),
Phaphre Bhal Ke, Distt. Mansa.

R/o V.P.O. Akkanwall, Teh. Budhlada, Distt. Mansa.

(Aadhar No. 379020675009 & Mobile No. 94636-35736)

12. ✓ Gurwinder Singh Aged 40 Years P.T.I. S/o Gurcharan Singh,

Govt. High School, Dalelwala, Distt. Mansa.

R/o V.P.O. Akkanwall, Teh. Budhlada, Distt. Mansa.

(Aadhar No. 285418563421 & Mobile No. 98760-39645)

13. ✓ Harbans Singh Aged 46 Years P.T.I. S/o Harnek Singh,

Govt. Sen. Sec. School, Kishangarh, Distt. Mansa.

R/o V.P.O. Akkanwali, Teh. Budhlada, Distt. Mansa.

(Aadhar No. 601321846783 & Mobile No. 90568-75009)