

Office of the Director of Public Instruction (SE) Punjab

Order No: 13/342 -2013 Estt.1 (3) & 8

Dated SAS Nagar :-03-4-2014

Sh. Balraj Joshi and others filed CWP No. 12834 of 2013 before the Hon'ble Punjab and Haryana High Court for a direction to the respondents to allow them to re-exercise their option for the revised Pay Scales, 1988 as per Government letter dated 24.12.1992. The Hon'ble Punjab and Haryana High Court disposed of the writ petition vide its order dated 31-05-2013 directing the D.P.I (SE) as well as DPI (EE) to decide the legal notice dated 02-02-2013. The operative part of judgment is as under:

“In the light of the submissions made by counsel for the petitioners, the present writ petition is disposed of with directions to the Director of Public Instructions (Secondary Education), Punjab-respondent No. 2 and the Director of Public Instructions (Elementary Education), Punjab-respondent No. 3 to consider and decide the legal notice dated 02.02.2013 (Annexure P-5) within a period of four months from the date of receipt of certified copy of this order.

In case the claim of the petitioners is not to be accepted, then a well reasoned and speaking order be passed and conveyed to the petitioners forthwith.”

In compliance with the above order of the Hon'ble Punjab and Haryana High Court, contents of legal notice dated 02-02-2013 have been perused. The petitioners who are the working/ retired employees, have stated that a number of writ petitions were filed by the employees / teachers seeking permission to change their option for revised Pay Rules, 1988, in view of the changed circumstances created by change in master scale notified vide notification dated 24.12.1992. These writ petitions were allowed by the Hon'ble Court and in some of the cases directions were issued to the State to generalize the directions regarding giving similar opportunity to revise the option to other similarly situated employees. Thus, the petitioners have prayed for giving them opportunity to change their option and to grant them consequential benefits.

In view of the facts indicated by the petitioners and also in view of the directions of the Hon'ble Court, relevant record has been examined. The Hon'ble High Court vide its judgment dated 25-02-2010 in CWP No. 7464

of 2008, allowing the petitions had directed the State to allow the petitioners therein to re-exercise their option for the Revised Pay Scales which became effective from 01-01-1986. The said relief had been granted by the Hon'ble Court in view of the changed circumstances created due to change in the master scale notified by the State vide notification dated 24-12-1992. A number of writ petitions on the issue were subsequently allowed on the basis of said judgment dated 25-02-2010. The State Govt. in the Department of Education having obtained the concurrence of the Department of Finance, generalized the issue vide letter dated 07-02-2011. Thereafter, Department of Finance Personnel vide its circular No.10/34/2010-1F.P2/518 dated 25-10-2012, generalizing the issue in respect of employees of other departments also, granted a period of 02 months to all the employees / retirees including employees/retirees department, to re-exercise the option. Vide said circular it has been categorically stipulated that no person shall be allowed to re-exercise option after the expiry of period of 02 months.

In view of the above circular dated 25-10-2012 issued by Department of Finance Personnel, since the period of 02 months has already expired and the petitioners have failed to apply for re-exercise of their option within the prescribed period, it is not possible for the Department of Education to accept the request of the petitioners at this stage. Hence, the same is rejected.

(Dr.Kamal Kumar)
Director Public Instruction (SE) Punjab.

Endst No. Even

Dated, S.A.S. Nagar:03-04-2014

1. Director Public Instruction (EE) Punjab with the request that necessary orders in respect of remaining petitioners, who are from Elementary side may kindly be passed at the earliest if the same have not been passed as yet.
2. District Education Officer (SE) Patiala /Ludhiana/Sangrur/Bathinda/ is directed to inform the concerned petitioners.
3. D.M.MIS O/o DGSE Punjab 5th Flore Phase-8 Mohali, for upload these orders on website. Please.


Assistant Director (S.A.1)