

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION (SE) PUNJAB,  
SAS NAGAR.

Order No. 13 /118- 2013 Estt-1 (8) 78

Dated SAS Nagar 27-03-2014

Sh. Vijay Kumar Monga Lecturer Political Science GSSS (Boys) Fazilka District Fazilka filed CWP No. 21570 of 2013 in the Punjab and Haryana High Court inter-alia claiming therein to count the service rendered by him in the Privately Managed Aided School from 12-5-1980 to 4-12-1996 prior to his induction into Government Service as qualifying service towards the pensionary benefits and for the purpose of pay fixation. The Hon'ble Punjab and Haryana High Court vide its order dated 1-3-2013 disposed of the said writ petition with following operative order.

“ In the light of the statement made by the counsel for the petitioner, present writ petition is disposed of with liberty to the petitioner to file a detailed representation to the Director Public Instructions (Secondary Education), Punjab respondent No.2 within a period of six weeks. If such a representation is made, the same shall be considered and decided by the said respondent within a period of five months from the date of submission of the said representation. Decision so taken be conveyed to the petitioner forthwith.”

In compliance with the aforementioned directive of Hon'ble High Court the claim of the petitioner for counting the service rendered by him in Privately Managed Government Aided School, prior to his being inducted in to the Government Service for pensionary benefits, pay fixation has been considered .

So far as the claim of the petitioner for counting the service rendered by him in the Aided School, towards pay fixation and other benefits is concerned, undersigned has carefully gone through the provisions contained in the relevant chapter dealing with the pay fixation in the Punjab Civil Services Rules, judgments referred by the petitioner and other available official record pertaining to such matters. A perusal of judgment of the

Hon'ble High Court in CWP No. 6586 of 2008 Shyam Kumar Vs State of Haryana, referred to by the petitioner, reveals that the same has been delivered by relying upon judgments rendered in the case of Harnandan V/s State of Punjab and Charan Singh V/s State of Punjab . In these judgments, the service on aided post has been counted only for the purpose of pensionary benefits and not for any other purpose .In another case that relates to the State of Punjab, CWP No. 14238 of 1991 Sukhdev Singh and others v/s State of Punjab, the relief for pay protection, A.C.P has been specifically denied by the Hon'ble High Court. Moreover, the petitioner prior to being inducted into Government service, was not an employee of the State Govt. The petitioner was an employee of the concerned Private Management. The pay protection is admissible only in those cases, where an employee is holding temporary or substantially a post under the State Govt. The employees of Aided Schools are not covered by the A.C.P scheme as in the case of Govt. employees.

In view of the above, I have come to an irresistible conclusion that the petitioner is not entitled to the benefit of protection of pay, A.C.P on the basis of service rendered by him in Privately Managed Aided School prior to his entry into Government Service. Consequently the claim of the petitioner for counting the service rendered in Privately Managed Aided School, towards pay fixation and A.C.P is hereby rejected. However, the said service shall be treated as qualifying service only from the purpose of pension and gratuity benefits, that too only, in case, the service rendered by him in Privately Managed Aided School is found Pensionable. Hence it is further ordered that the said benefit shall be subject to the compliance of various conditions for the count of such service, as laid down by the Hon'ble High Court in CWP No 14238 of 1991. To that extent the District Education Officer (SE) Fazilka shall examine the service record of the petitioner, particularly for the period of service rendered in Privately Managed Aided School and in case it is found that the petitioner satisfies all the conditions laid down by the Hon'ble High Court in CWP No 14278 of 1991 , Sukhdev Singh and others Versus State Of Punjab, an entry to that effect shall be

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made by the District Education Office (SE) Fazilka in the service record of the petitioner . The claim of the petitioner for counting the service rendered in Privately Managed Aided School prior to grant service for all the purpose, ACP etc is hereby rejected .

(Dr Kamal Kumar)

Director of Public instruction (SE) Punjab

Endst No. Event

Dated 27-03-2014

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

- 1 District Education officer (SE) Fazilka
- 2 Principal GSSS (Boys) Fazilka
- 3 Sh. Vijay Kumar Monga lecturer Political Science GSSS (Boys) Fazilka
- 4 ✓ DM (MIS) office DGSE Punjab.

  
Assistant Director