

Office of Director General School Education, Punjab.
Education Complex (Punjab School Education Board) Block-E, 5th floor, phase-8,
S.A.S. Nagar (Mohali)

Order No: 14/138-18 S3(1)

Date: 19-12-2018

1. Sh. Kartar Singh, Retired Lecturer, History from Govt. Senior Secondary School (Boys) Sangrur R/O Bhala Basti, Near Veterinary Hospital, Sangrur and others filed Civil Writ Petition No. 19402 of 2018 in Hon'ble Punjab and Haryana High Court Praying for issuance of a writ of Mandamus directing respondents to re-fix their pay and pension in terms of Govt. Instructions dated 22-06-2015 (Annexure P-12) and grant them benefit of higher pay scale in terms of Govt. Instructions Dated 23-07-1957 and 19-02-1979 in the light of judgment passed in Civil Writ Petition No. 2632 of 1985 decided on 21-02-1986 and Civil Writ Petition No. 7862 of 1995 decided on 28-11-2013 (Annexure P-5 & P-10) on acquiring the higher qualification of M.A. M.Sc. as their case is squarely covered from the decisions rendered by Hon'ble Court mentioned above and in terms of order dated 26-04-2018 (P-13).

The judgment of Hon'ble Court in Civil Writ Petition No. 19402 of 2018 is reproduced as under: -

2. "Through the instant Civil Writ Petition, preferred under Articles 226/227 of the Constitution of India, petitioners have sought issuance of a writ in the nature of Mandamus directing the respondents to re-fix their pay and pension in terms of instructions dated 22-06-2015 (P-12) granting the benefit of higher pay scale in terms of Government instructions dated 23-07-1957 and 19-02-1979 to all the teachers and in the light of the judgments passed in CWP No. 2632 of 1985 decided on 21-02-1986 and CWP No. 7862 of 1995 decided on 28-11-2013 (P-5 & P-10 respectively) on acquiring the higher qualification of M.A., M.Sc. as the case of the petitioners is squarely covered from the decisions rendered by this court.

Learned counsel for the petitioners contends that though a legal notice dated 30-05-2018 (P-14) was made to the respondents but till date neither any response has been received nor any final decision has been taken thereof. She further submits that petitioners feel satisfied in case a direction is issued to respondent No. 2 to decide the aforesaid legal notice (P-14) in the light of the instructions as well as judgments referred to above in para no. 1 of this order, in a time bound manner.

Instant petition is disposed of with a direction to respondent No. 2-Director Public Instructions (Secondary Education) Punjab, Sector-62, Mohali to consider the grievance unfolded by the petitioners in the legal notice dated 30-05-2018 (P-14) and to take a conscious decision by passing a speaking order in the light of the instructions as well as judgments

referred to above in para no. 1 of this order, within a period of three months from the date of receipt of a certified copy of this order.

However, if petitioners still feel aggrieved by any of the orders passed by the aforesaid authority, they shall be at liberty to have recourse to the remedies available under law and/or to approach this court."

3. The Legal notice given by the petitioners was perused in compliance to above orders of this Hon'ble Court. Through legal notice the petitioners are demanding increments on acquiring higher qualification of post-graduation on the basis of Govt. instructions of 23-07-1957 and 19-02-1979. The petitioners have mentioned that Civil Writ Petition no. 7862 of 1995 has been decided by Hon'ble Court in their favor.

4. It is worthwhile to mention that the department had filed LPA No. 199 of 2014 in Hon'ble Punjab and Haryana High Court against above order of Hon'ble Punjab and Haryana High Court in Civil Writ Petition No. 7862 of 1995 in which Hon'ble Division Bench of Hon'ble Punjab and Haryana High Court on 25-02-2014 passed interim order as follows: -

Notice of motion for 13-05-2014.

Operation of the impugned order shall remain stayed till further orders."

5. In view of position given above I am of the considered opinion that, the claim of the petitioners for additional increments cannot be considered at this stage as Hon'ble Division Bench has stayed the operation of judgment of Civil Writ Petition No. 7862 of 1995. Their claim can only be considered after finalization of judgment by Hon'ble Court in LPA No. 199 of 2014 or appeal, if any preferred by the department.

Being competent authority I pass orders as above in compliance to directions passed by Hon'ble Court on 06-08-2018 in CWP No. 19402 of 2018.

Parshant Kumar Goyal
O/o Director General School Education, Punjab
S.A.S. Nagar. Phase-8, Mohali.

Endorsement No. as above

Dated: - 02/01/2019

A copy of speaking order is sent to the following for information and necessary action: -

1. Secretary School Education, Punjab (Edu-4 Branch)
2. P.A./D.P.I. (SE/EE) Punjab complex Punjab School Education Board, S.A.S. Nagar.
3. Legal Cell office of D.P.I (SE) Punjab, Complex Punjab School Education Board, S.A.S. Nagar.
4. Superintendent Services-3 and Amla-1,2,3,4,5 Branch, S.A.S Nagar

5. All District Education Officers and DIETs will ensure supply copy of these Speaking orders to the respective petitioners of their districts.
6. Kartar Singh A/a 68 years (Retd.) Lect. History S/o Sh. Telu Ram, Govt. Sen. Sec. School (Boys), Sangrur. R/o Bhala Basti, Near Veterinary Hospital, Sangrur.
7. Harbans Kaur A/a 63 years (Retd.) Lect. Punjabi D/o Ram Asra. Govt. Sen. Sec. School. Haibowal Khurd, Distt. Ludhiana. R/o # 42, Bawa Colony, Near Police Station, Haibowal Kalan, (Ludhiana)
8. Usha Rani A/a 63 Years (Retd.) Lect. Punjabi D/o Pyare Lal, Govt. Sen. Sec. School, Jandiali, Distt. Ludhiana. R/o 133-A, Shastri Nagar, Model Town, Near Guru Teg Bahadur Hospital, Ludhiana.
9. Kaushalya Devi A/a Years (Retd.) Hindi Mistress D/o Choohar Singh, Govt. Sen. Sec. School, Jandiali, Distt. Ludhiana. R/o H.No. 9, Kalkaji Enclave Extn. (Rishi Nagar), Ludhiana.
10. Tarsem Chand A/a 68 years (Retd.) S.S. Master S/o Jethu Ram, Govt. Sen. Sec. School, Dharampura, Distt. Mansa. R/o Near Arya Samaj, Bareta, Distt. Mansa.
11. Satinder Pal Singh A/a 65 years (Retd.) Lect. Punjabi S/o Iqbal Singh, Govt. Sen. Sec. School. Sur Singh, Distt. Tarn-Taran. R/o 112 Baba Deep Singh Colony, Ramsar Road, Amritsar.
12. Kewal Singh A/a 67 years (Retd.) Lect. English S/o Sohan Lal, Govt. Sen. Sec. School, Pandori Ran Singh, Distt. Amritsar. R/o 69-A, Kot Mahna Singh, Tarn-Taran Road, Amritsar.
13. Tejinder Singh A/a 67 years (Retd.) Lect. English S/o Gurcharan Singh, Govt. Sen. Sec. School (Boys), Kot Baba Deep Singh, Amritsar. R/o 464, East Mohan Nagar, Amritsar.
14. Sanyogta Tara A/a 75 years (Retd.) S.S. Mistress D/o Manohar Lal Tara, Govt. Sen. Sec. School (Girls), Mahna Singh Road, Amritsar. R/o 136, Golden Avenue, Amritsar.
15. Satinder Kaur A/a 62 Years (Retd.) Sc. Mistress D/o Gurcharan Singh, Govt. Sen. Sec School. Attari, Distt. Amritsar. R/o 2103, Sector 15-C, Chandigarh.
16. Sukhwant Kaur A/a 64 Years Wd/o Late Harbhajan Singh (Retd.) Lect. Punjabi S/O Karam Singh, Govt. Sen. Sec. School, Sohal, Distt. Tarn-Taran. R/o V.P.O. Chabhal, Patti Subaye Ki, The. Taran-Taran, Distt. Tarn-Taran.
17. Rajinder Singh A/a Years (Retd.) Lect. Pol. Sc. S/O Santokh Singh, Govt. Sen. Sec. School, Sathiala, Distt. Amritsar. R/o 227, Rajinder Nagar, Near Gurdwara Sahib, G.T. Road, Amritsar.
18. Harbhajan Kaur A/a 66 years (Retd.) S.S. Mistress D/o Gurbachan Singh, Govt. Sen. Sec. School (Boys), Verka, Distt. Amritsar. R/o 464, East Mohan Nagar, Amritsar, Distt. Amritsar.
19. Ashok Kumar A/a 64 years (Retd.) S.S. Master S/o Achhru Ram, Govt. Sen. Sec. School, Haibowal Khurd, Distt. Ludhiana. R/o H-328, MIG PUDA House, Urban Estate, Phase-III, Dugri, Ludhiana.

20. Satinder Pal Kaur A/a 68 years (Retd.) S.S Mistress D/o Harkirat Singh, Govt. Sen. Sec. School (Girls), M.S. Road, Amritsar.R/o 31-A, Rajinder Nagar, Near Ajit Nagar, Ravi Dass Marg, Amritsar.
21. Chamkour Chand A/a 73 years (Retd.) D.P.ED S/o Sh. Pala Ram, Govt. High School, Mangwal, Distt. Sangrur.R/o H. No. 379, Kishan Bagh Colony, Outside Nabha Gate, Sangrur.
22. Nand Lal Malhotra A/a 72 Years (Retd.) Lect.English S/o Khandu Ram, Govt. Sen. Sec. School, Gujran, Distt. Sangrur.R/o Gali No. 9, Kishan Bagh Colony, Outside Nabha Gate, Sangrur.
23. Hardip Singh A/a 65 Years (Retd.) Lect. History S/o Bawa Singh, Govt. Sen. Sec. School, Kot Santokh Rai, Distt. Gurdaspur.R/o # 308, Dr. Colony, Mission Hospital Road, Dhariwal, Distt. Gurdaspur.
24. Ashok Kumar A/a 64 Years (Retd.) Lect. English S/o Amar Nath, Govt. Sen. Sec. School, Nurpur Bet, Distt. Ludhiana.R/o #4196, B-34, Street No. 2, Durgapuri, Haibowal Kalan, Ludhiana.
25. Rita Rani A/a 60 years (Retd.) S.S. Mistress D/o Ishar Dass, Govt. Sen. Sec. School (Girls), Barnala, Distt. Barnala.R/o B-XIII/1811, Opposite Street No. 7 & 8, Lakhi Colony, Barnala.
26. Naresh Chand A/a 59 years (Retd.) Lect. Punjabi S/o Ram Shahi, Govt. Sen. Sec. School, Saidewala, Distt. Mansa.R/o Opposite P.N.B Bank, Harjit Basti, Budhlada, Distt. Mansa.
27. Prem Nath A/a 64 Years (Retd.) Lect. English S/o Gura Dass, Govt. Sen. Sec. School Jhawar, Distt. Gurdaspur. R/o 399/16, Behind Bus Stand, Civil Lines, Gurdaspur.
28. Prem Nath A/a 69 Years (Retd.) S.S. Master S/o Kamar Lal, Govt. High School, Jaspal Bangar, Distt. Ludhiana.R/o 98-D, Kitchlu Nagar, Ludhiana.
29. Gajjan Singh Moon A/a 65 Years (Retd.) Principal, S/o Makhan Singh, Govt. Sr. Sec. School, Kulburshan, Smana, Distt. Patiala.R/o 152, Anand Nagar-A, Gurudwara Street, Tripari Town, Patiala.
30. Ujjal Singh A/a 71 Years (Retd.) Lect. S/o Kartar Singh, Govt. Sr. Sec. School, Zahura, Distt. Hoshiarpur.R/o Vill. Bahadarpur, PO Talwandi Sallan, Dasuya, Distt. Hoshiarpur.

G. L. Lawrence

Assistant Director
O/o Director General School Education, Punjab