

SAMAGRA SHIKSHA ABHIYAN, PUNJAB
Punjab School Education Board Complex, E-Block, 5th
Floor, Phase -8, Mohali (SAS Nagar)

Order

Memo No. 2/126-2024/SSA/legal/164339

Dated: 09-07-2024

1. Sh. Dheeraj Puri and others had filed CWP No. 5936 of 2024 titled as Dheeraj Puri and Ors. Vs State of Punjab & Ors, before the Hon'ble Punjab and Haryana High Court with the prayer for issuance of directions to the respondents to grant the same pay scale as is being given to the Data Entry Operator / Accountant / MIS coordinator working in the District Education Offices. The Hon'ble Court vide order dated 14.03.2024 disposed off the said writ petition, the relevant portion of which is being reproduced as under:

"In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondents to consider and decide the legal notice dated 27.10.2023, Annexure P-10, taking note of the aforesaid submissions as also the letter dated 16.02.2021, Annexure P-5, within a period of 4 months and if found entitled, necessary benefits be granted to the petitioners forthwith."

2. In compliance of the order passed by the Hon'ble High Court, legal notice dated 27.10.2023 (Annexure P-10) and letter dated 16.02.2021 (Annexure P-5) has been examined with reference to record vis-à-vis a factual position. Petitioners have raised the contentions through representation / Legal Notice that they are working as Data Entry Operators and Accountants on yearly contract basis in various office of Block Education Offices in the State of Punjab under Samagra Shiksha Abhiyan since 2008-2011. The Government of Punjab, Department of Education vide letter No. 1/4/2011-3E7/215168/1-5 dated 08.05.2014, granted consolidated salary by implementing the scale of Rs. 10300-34800+3200 grade pay and by initial pay @ 13,500/- of aforesaid cadre/employees working at office of Block Education Offices, which was to be revised/fixed on 01, April every year at par with regular employees of the Government. However, w.e.f. September, 2020, without any notice or grant of opportunity of hearing, the salary of the Data Entry Operators, Accountant and MIS Coordinator working in office of Block Education Offices was reduced

to RS. 29520+1800 EPF= 31320, but those who were working in the District Education Offices, continued to draw the full salary i.e Rs. 33480/-, and as such, a difference of Rs. 2160 was made in the salaries of the Data Entry Operators, Accountant and MIS Coordinator working in office of Block Education Offices. It has been mentioned in the legal notice that Data Entry Operators, Accountants and MIS Coordinators are liable to be transferred from Block Primary Officers to District Education Offices and vice-versa. It has been further stated in the legal notice that after the Month of August, 2020, the employees working in the Block Education Offices have not been given the annual increment. At present, there is a salary difference of Rs. 4400/- between Data Entry Operators, Accountant and MIS Coordinator working in office of Block Education Offices and District Education Offices, which is not permissible in the eyes of law.

3. Before responding to the points raised by the petitioners, it is necessary to discuss the background. Samagra Shiksha Abhiyan is a special scheme sponsored by the Ministry of Education, Government of India. SSA is an all India effort to universalize Elementary & Secondary Education by community ownership of the school system. The said program is being implemented in the State of Punjab through the Punjab Samagra Shiksha Abhiyan, which is a society registered under the Societies Registration Act, 1860 (hereinafter referred to as 'SSA'). The Samagra Shiksha Abhiyan is a Central Scheme and getting funds from the Central Government and State Government in the ratio of 60:40, wherein 60% share is funded by the Government of India and 40% share is funded by the State Government. SSA has no independent source of income and its financial implications are borne by the funds approved by the Project Approval Board (PAB) of Samagra Shiksha Abhiyan, Ministry of Education, Department of School Education & Literacy, Government of India in its annual meeting.

4. All the employees (including petitioners) of the SSA were appointed on yearly contract basis as per the Framework for Implementation of Sarva Shiksha Abhiyan Scheme, Para 7.2.1 of Chapter 7 of the Framework for Implementation of Sarva Shiksha Abhiyan Scheme clearly states that:

"The SSA is governed at the Centre by a General Body chaired by the Prime Minister, an Executive Committee and a

Project Approval Board. In the states, it is implemented through separately registered societies with staff deputed from the state government or appointed on contract."

5. The petitioners along with counterpart were appointed on contract basis for a period of one year and contract period renewed every year on the basis of their annual work, performance as per the terms and conditions of appointment letter. It has been specifically mentioned in the appointment letter that salary structure can be changed/amended at any point of time without any notice. The petitioners joined the service after accepting the terms and conditions of appointment letter. Relevant portion of the condition of the appointment is as under:-

"The salary structure of Sarv Shiksha Abhiyan Authority/ Rashtriya Madhiymik Shiksha Abhiyan can be changed/amended at any point of time without any notice".

6. Employees appointed under Samagra Shiksha Abhiyan scheme are getting the salary under two different components as per the approval given by Project Approval Board (PAB) of Samagra Shiksha Abhiyan, Ministry of Education, Department of School Education & Literacy, Government of India in its annual meeting viz. Management, Monitoring, Evaluation & Research (MMER) and Block Resource Centres (BRC) Salary Head. The 5% of total budget is to be approved by the Project Approval Board (PAB) under the MMER head, whereas, under the BRC head, Project Approval Board (PAB) is approving the budget after considering many factors. It is pertinent to mention here that Employees of SSA working at Head office and District Education office are getting their salary under MMER head, whereas, employees working at the level of Block Education Offices are getting salary under BRC head. It is pertinent to mention here that till the Financial Year 2019-20, the salary of employees working under BRC Head and MMER Head of same cadre were getting equal salary as per Notification No. 1/4/2011-3Edu7/215168/1-5 dated 08.05.2014.

7. In the financial year 2019-20, the Project Approval Board (PAB) of Samagra Shiksha Abhiyan, Ministry of Education, Department of School Education & Literacy, Government of India has freezed the salary of the employees working at Block Education Offices @ 33320/-

per month under BRC salary head, however, no such capping had been imposed on the salary head under MMER. As such, salary of the staff under under BRC head was freezed @ Rs 33320/- Per Month by merging 132 % Dearness Allowance in the PAB meeting. Whereas, salary of the staff under MMER head was approved along with 139 % dearness allowance and subsequently @ 142 % w.e.f. November, 2019. As such pay anomaly has been arisen between staff getting salary under two different head.

8. In the financial year 2020-21 and 2021-22, the Punjab Samagra Shiksha Abhiyan sent a proposal for enhancement of salary for Data Entry Operators, Accountant and MIS Coordinator @ Rs 37488/- per month at the revised rates as the Dearness Allowance @ 148% w.e.f. March 2020 under BRC and MMER Head, however, the Project Approval Board (PAB) of Samagra Shiksha Abhiyan, Ministry of Education, Government of India has only approved salary @ Rs. 33320/- per month (by merging 132 % dearness allowance) under BRC head and @ Rs 37488/- per month (by merging 148 % dearness allowance) under MMER head for above mentioned employees. Presently, Data Entry Operators, Accountant and MIS Coordinator working in the office of Block Education Office are getting their consolidated salary by merging Dearness Allowance @132 % as per capping imposed by the Project Approval Board (PAB) of Samagra Shiksha Abhiyan, Ministry of Education, Government of India, whereas Data Entry Operators, Accountant and MIS Coordinator working in the District Education Offices/ Head Office are getting consolidated salary by merging dearness allowance @148%.

9. An agenda was placed before the Executive Committee of the Punjab Samagra Shiksha Abhiyan on 04.04.2022 in its forth meeting to resolve the issue regarding pay anomaly of the financial year 2020-21 and 2021-22. The Executive Committee of the Punjab Samagra Shiksha Abhiyan advised to place the matter before the Finance Department of Punjab. The matter was referred to Department of Finance and the Department has given the advise vide letter No. FD-FE-207/6/2022-3FE2/1/346973/200 dated 25.04.2022 as under:-

"The Department of Finance advise the Administrative Department that the salaries of all the employees working on contract basis under Block Resource Center (BRC) component

and Management, Monitoring Evaluation and Research (MMER) component of Samagra Shiksha Abhiyan Scheme (60:40) should be fixed as per the norms laid down by the Central Government, So that there would be no problem of pay anomaly of these employees."

10. On 24.03.2023, an agenda was placed before the Executive Committee of the Punjab Samagra Shiksha Abhiyan Society in its 5th meeting to give 3% annual increment to employees of the Punjab Samagra Shiksha Abhiyan Society for the period of last two years i.e w.e.f. 2021-22. The Executive Committee has given the approval of 3% annual increment on the condition that the approval of Finance department should be taken. The Department of Finance has given the approval of 3% annual increment for the period 01.04.2021 to 06.10.2022 that State Government will not give the the extra funds/budget for said purpose. Subsequently, 3 % increment is being paid to both categories employees falling under BRC and MMER head, the detailed of the salary is being paid the employees falling under BRC head as under:-

Financial Year	No. of employees falling under BRC Head	Salary	Salary increase in percentage
2021-22	576	34221	3%
2022-23	576	35196	3%
2023-24	576	36193	3%

11. The Ministry of Education, Department of School Education & Literacy, Government of India, issued a revised Framework for implementation of the Samagra Shiksha Abhiyan Scheme vide D.O. No. 2-18/2018-IS-I/IS-15 dated 12.10.2022. At serial No. 42 under head "Academic support through BRC/URC/ CRC" of Annexure –II of the revised Framework for implementation of the Samagra Shiksha Scheme stated as under:-

"The central financial assistance for salary purpose of the BRC and CRC will be given on the basis of salary support given by the PAB in 2020-21."

It is pertinent to mention here that a meeting of the Project Approval Board (PAB) was held on 25.06.2020 to consider the Annual Work Plan and Budget (AWP & B) for the year 2020-21 of State of Punjab, In the said meeting Ministry of Education, Department of School Education & Literacy, Government of India had approved the salary under BRC head @ Rs 33320/- per month for Data Entry Operator / Accountant / MIS coordinator working at Block Education Offices.

12. In the financial year 2022-23, Punjab Samagra Shiksha Abhiyan sent a proposal to Project Approval Board (PAB) of Samagra Shiksha Abhiyan, Ministry of Education, Department of School Education & Literacy, Government of India to consider the Annual Work Plan and Budget (AWP & B) for the year 2022-23 for State of Punjab. The Punjab Samagra Shiksha Abhiyan has proposed the salary @ Rs. 33320/- under under BRC head for Data Entry Operator / Accountant / MIS coordinator working at Block Education Offices in view of the revised Framework issued by the Ministry of Education, Department of School Education & Literacy, Government of India for implementation of the Samagra Shiksha Scheme and Government of India has approved the salary @ Rs 33320/- under under BRC head for Data Entry Operator / Accountant / MIS coordinator working at Block Education Offices. Whereas salary under MMER head has been approved @ Rs. 39671/- per month for Data Entry Operator / Accountant / MIS coordinator working at Head office and District Education Office by the Project Approval Board (PAB) of Samagra Shiksha Abhiyan, Ministry of Education, Department of School Education & Literacy, Government of India. Approximately, an amount of Rs 928.143 lakh is required to remove the pay anomaly, because, the Society has no independent source of income except funds received from Government of India and Government of Punjab in ratio of 60:40 respectively.

13. The Punjab Samagra Shiksha Abhiyan Society decided to raise the issue before the Executive Committee of the Society and prepared an agenda for meeting to resolve the issue regarding pay anomaly. Accordingly, agenda of the meeting was sent to the Government for consideration. However, State Government has expressed regret to agree with the proposal of the Society/Department vide letter dated 09.04.2024.

14. It is clear from the above-mentioned facts and circumstances on record, that the pay anomaly has been arisen due to the capping under the BRC head by the Project Approval Board of the Samagra Shiksha Abhiyan, Ministry of Education, Department of School Education & Literacy, Government of India in the financial year 2019-20, whereas there is no such capping on MMER Head. Subsequently, 3% annual increment is being paid to both the categories of employees falling under BRC and MMER head. As a consequence, it would not be out of place to opine that, apart from the anomaly arisen out of capping in the financial year 2019-20, which had occurred at the behest of the Project Approval Board of the Samagra Shiksha Abhiyan, Ministry of Education, Department of School Education & Literacy, Government of India.

In the view of aforementioned observations, mentioned in the para No. 13 and the norms/guidelines laid down by Project Approval Board of the Samagra Shiksha Abhiyan, Ministry of Education, Department of School Education & Literacy, Government of India, the claim raised by the petitioners in legal notice dated 27.10.2023 (Annexure P-10), letter dated 16.02.2021 (Annexure P-5), is not acceptable and rejected hereby.

Sd/-
State Project Director
Punjab Samagra Shiksha Abhiyan

Endst. No. 2/126-2024/SSA/legal/164339

Dated 09-07-2024

A copy is forwarded to the following for information.

1. Mr. Dheeraj Puri S/o Nawal Kishore Prui, BPEO Dhinanagar-I, Gurdaspur. H. No. 374/8 Shiv Nagar Gurdaspur and others (through office website)
2. All District Education Officers (SE/EE), and Block Primary Education Officers of Punjab (through office website)
3. DM (MIS) for uploading the order on website


Deputy State Project Director
Punjab Samagra Shiksha Abhiyan.