Office of Director School Education (Elementary) Punjab, Complex Punjab School Education Board, Block-E, Phase-8, SAS Nagar.
(Establishment-2 Branch)
Email Id - dpiee.establishment2@punjabeducation.gov.in

SPEAKING ORDER

Order No.- DPIEE-EST202/221/2026-ESTABLISHMENT-2-DPIEE/I/1550109/2026
Dated: S.A.S Nagar: 11-11-2026

Sh. Navneet Josan aged 32 years son of Sh. Ram Chand and 873 others presently working as Elementary Trained Teachers (ETT) had filed Civil Writ Petition No. 29466 of 2026 in the Hon'ble Punjab and Haryana High Court with the prayer for directing the respondents to consider and decide the Legal Notice dated 20.08.2026 (Annexure P-10) served on behalf of the petitioners, in accordance with law, by passing a reasoned and speaking order and consequently, to grant the Statutory Pay Scale i.e. latest Pay Commission Scale to the petitioners as per the 2009 Rules (Annexure P-3), i.e. Rs.10,300-34,800 with Grade Pay of Rs.4,200-5,000/-, later on revised/increased in terms of letter dated 27.02.2012 (Annexure P-4), from the date of entry into service, along with arrears with interest @ 12% per annum thereon, for the purpose of all future pay revisions and consequential service benefits, along with all other consequential benefits admissible to the petitioners in accordance with law. The petitioners have also prayed to direct the respondents to strike down the instructions dated 17.07.2020 (Annexure P-2) and to release the benefit to the petitioners in terms of the judgment passed in CWP No.15896 of 2023 titled Dr. Saurabh Sharma and others Vs. State of Punjab and others and the judgment passed in CWP No.17064 of 2017 titled Ajay Kumar Singla and others Vs. State of Punjab and others, whereby the notification dated 15.01.2015 was quashed and the benefit of full salary during the probationary period was directed to be released to the petitioners therein, and further to extend the same benefit to the present petitioners in view of the order dated 28.08.2025 passed by this Hon'ble Court in CWP No.25227 of 2025 titled Prem Singh and others Vs. State of Punjab and others, whereby the claim of similarly situated teachers was directed to be considered in the light of the aforesaid judgments and the claim of similarly situated teachers was considered and the exercise of re-fixation of their pay was undertaken in accordance with the applicable Service Rules and the subsequent instructions of the Department of Finance, Punjab and consequently to extend the same benefit of statutory pay scale, re-fixation of pay and all consequential benefits to the present petitioners on the principle of parity and equal treatment.

2.0 The Hon'ble Punjab and Haryana High Court disposed of this Writ Petition vide order dated 11.09.2026. The operative portion of the order dated 11.09.2026 is reproduced here as under:-

"3. Notice of motion.

4. *Mr. Sahil R. Bakshi, AAG, Punjab, accepts notice on behalf of the respondents No.1 to 5/State, and waives services. He fairly submits that he has no objection, in case, a mandamus is passed upon the authorities concerned, to decide the legal notice (supra).*

5. *In view of the above, since a bona fide and innocuous prayer has been made by the petitioners, this Court deems it fit and appropriate to pass a mandamus upon the competent respondent amongst the respondents, to decide the legal notice dated 20.08.2026 (Annexure P-10), in view of the ratio laid down in the case of Saurabh Sharma (supra), after providing due opportunity of hearing to the petitioners.*

6. *The exercise (supra), shall be carried out within a period of six weeks, from the date of receipt of certified copy of this order.*

7. *Disposed of accordingly.*

8. *Copy of this order be conveyed to the respondents, forthwith, for its compliance.*

9. *In case, legal notice (supra), is not decided within the stipulated period, the petitioners are at liberty to get the instant writ petition revived by moving an apt application."*

3.0 In compliance with the above orders of the Hon'ble High Court, the contents of legal notice dated 20.08.2026 (Annexure P-10) have been examined along with the order of Hon'ble High Court passed in CWP No. 15896 of 2023 titled as *Saurabh Sharma and others vs State of Punjab and another.* The petitioners were afforded opportunity of personal hearing on dated 09.10.2026 in this directorate. The petitioners who attended the personal hearing have submitted the representations as under: -

"2. The Punjab State Elementary Education (Teaching Cadre) Group C Service Rules, 2018 were notified vide Notification No. G.S.R. 31/Const./Art.309/2018 dated 21.05.2018 under Article 309 of the Constitution. Rule 5 provides that the members of the Service shall be entitled to the pay scales authorized by the Department of Finance from time to time. Accordingly, my claim is for grant of the pay scale and all consequential benefits applicable to the post in accordance with the said Rules as are authorized by the Department of Finance

3. In view of the above, in light of the judgment in CWP No. 15896 of 2023, Saurabh Sharma & Others vs. State of Punjab. Therefore, I may kindly be granted all the benefits flowing from the said judgment, along with all consequential benefits."

4.0 The Hon'ble High Court in CWP No. 15896 of 2023 has held that all candidates appointed under the same recruitment process are entitled to equal pay as per the 2016 Rules regardless of actual appointment date in terms of which the present Petition has been disposed of. The relevant portion of the judgement in CWP No. 15896 of 2023 followed in Saurabh Sharma's case is as under:-

> *"At this stage , learned counsel for the petitioners submit that though the petitioners have claimed interest but keeping in view the fact that they are only interested in the pay scale as entitled to them under 2016 Rules, they are not pressing their claim for the grant of interest..."*

5.0 The services of petitioners are governed by the "Punjab State Elementary (Teaching Cadre) Group C Service Rules, 2018." As per Rule 5 of the said rules provides, *"The members of the Service shall be entitled to such scales of pay as may be authorized by the Department of Finance from time to* time. The petitioners have been appointed after 17.07.2020. Therefore, the matter regarding applicability of the 6th Pay Commission is concerned, it is submitted that as per Rule 2(2)(b) (reproduced below) of the notification dated 05.07.2021 issued by the Punjab Government regarding the Punjab Civil Services (Revised Pay) Rules 2021, the 6th Pay Commission is not applicable upon the employees appointed after dated 17.07.2020. The recommendations regarding revised pay of the 6th Pay Commission are applicable upon the employees who were working in Government Service on 01.01.2016. Since the petitioners were appointed in the Department after 17.07.2020, therefore, the pay scales of the 6th Punjab Pay Commission are not applicable upon the petitioners. They shall not apply to the:-

(b) ***Government employees recruited in the service of the State of Punjab or the Punjab Vidhan Sabha on or after 17.07.2020, on whom pay scales on the pattern of the Government of India are applicable."***

Subsequently, in compliance of the orders of the Hon'ble High Court in matters related to Saurabh Sharma's case, Department of Finance, Punjab has issued instruction dated 05.01.2026, wherein it has been decided to grant the pay scale to the petitioners/employees which are more beneficial the them.

6.0 The Hon'ble Punjab and Haryana High Court vide order dated 24.08.2026 in CWP No 24669 of 2026 titled as Nirmal Singh vs State of Punjab, has decided that the pay of teachers/employees appointed prior to the amendment, dated 06.03.2025 to the Service Rules is to be fixed in accordance with the old Service Rules i.e. the amendment to the Service Rules is to be applied prospectively, from the date of notification, and not retrospectively. The relevant part of orders dated 24.08.2026 are reproduced hereunder:-

"14. Learned Senior Counsel appearing on behalf of the petitioners submits that given the statement of the learned Senior Counsel for the respondents, since the petitioners had already been appointed prior to the actual date of the notification amending the Rules governing their service conditions in the year 2025 and the said amendment done in the year 2025 will be made operational prospectively only on the appointees who will be appointed after the date of the notification amending such Service Rules, the petitioners would stand excluded from the operation of the notification amending the service rules and hence, no grievance of the petitioners survives.

15. Learned Senior counsel for the petitioners further submits that there could be an ambiguity even as of now with regard to the implementation of the amended Service Rules even qua the appointees who have been appointed prior to such amendment of the rules qua the grant of benefit under Service Rules applicable upon them on the date of their appointment.

16. Learned Senior counsel appearing on behalf of the State submits that once the retrospective operation of the amendment to the Service Rules has been taken out, in case any of the petitioners has any grievance with regard to non-grant of a particular pay-scale as admissible under the Service Rules operational on the date of their appointment, if raised before the State, the same will be considered in terms of the judgment of this Court in Saurabh Sharma (supra) as well as the statement made in their petitions as recorded herein before and will be decided so as to remove any discrimination between the appointees working on the same cadre with regard to the applicability of a particular pay-scale which was already being drawn by a direct recruit appointed prior to 17.07.2020 or a promotee who has been promoted after 17.07.2020 on such posts.

17. Learned Senior Counsel for the State, on instructions, submits that either the same pay-scale or the same pay level as admissible under the Service Rules, as being enjoyed by everyone working on the same post, appointed/ promoted upto the date of the amendment of the rules in the year 2025 will be maintained for fixing the salary of the employees concerned, keeping in view their respective length of service rendered in the cadre.

18. Keeping in view the said statement, no further grievance of the petitioners should survive under any circumstances. Hence, learned Senior counsel appearing on behalf of the petitioners submits that as only the retrospective amendment of the rules was causing prejudice to them coupled with the statement which has been recorded hereinbefore on behalf of the State, no further grievance of the petitioners survives and the present petitions may kindly be disposed of as such.

19. Ordered accordingly.

20. However, in case any of the petitioners' pay is not fixed in accordance with the statement recorded hereinbefore, they will be free to move an application before the State for consideration and in case any such application is received, appropriate order be

passed within a period of three months of the receipt of any such application and in case, anybody is found entitled for any relief, the same benefit be released to him/her within a further period of next six weeks.

21. In CWP No.25591 of 2026, learned counsel for the petitioners submits that in his case, no amendment to the rules has been done, but the benefit of the same pay-scale as being enjoyed by the other colleagues in the same cadre has not been extended to him despite the judgment in Saurabh Sharma's case (supra). Qua the said grievance, the State is directed to consider the said issue in view of the judgment of Saurabh Sharma (supra) and grant the benefit whatever is admissible to such employee(s) working in the same cadre within a period of eight weeks of the receipt of the copy of this order.

22. Any order already passed denying the benefit which is not in consonance with the statement of the government recorded hereinbefore or the judgment in Saurabh Sharma (supra) will be treated as nullity and petitioner(s) having grievance against such rejection of their claim, can raise such grievance afresh before the department to be decided in a time bound manner as indicated hereinbefore.

23. With regard to the claim of full pay during the period of probation, the said issue is already pending for consideration before the Hon'ble Supreme Court of India in the case bearing Diary No.11476/2020 titled as 'The State of Punjab vs. Dr. Vishavdeep Singh' and hence, no such observation is being made by this Court qua the issue which is not before this Court as of now and especially when it is pending before the Hon'ble Supreme Court of India and whatever decision is given by the Hon'ble Supreme Court of India, the same will be binding not only the employees but the State will also be bound to implement the same in case the employees are found to be entitled to the benefit.

24. Keeping in view the abovementioned facts, the present petitions are disposed of in above terms."

7.0 In view of the aforesaid orders, the pay of employees who joined service before the issuance of the notification No. G.S.R 7/ Const./Art 309/Amd. (5)/2025 dated 06.03.2025 vide which the Departmental Service Rules of this cadre were amended, shall be fixed in accordance with the Punjab State Elementary Education (Teaching Cadre) Group-C Service Rules 2018. The Government of Punjab has categorically stated before the Court that the amendment made to the Rules in 2025 shall not be applied retrospectively; rather, it shall apply only to fresh recruitments made after the issuance of the new notification. Meaning thereby, all employees who entered service prior to 06.03.2025, shall remain outside the purview of the said amendment, and their pay-related entitlements shall remain fully protected.

Therefore, the employees appointed under the Service Rules-2018, shall be entitled to pay level prescribed for their respective cadre in these Service Rules.

8.0 The petitioners of the present writ petition had been appointed after the amendment dated 06.03.2025 in Punjab State Elementary Education (Teaching Cadre) Border Area Group-C Service Rules, 2018, wherein it has been notified that the new incumbents will be governed by the notification dated 17.07.2020. Hence the petitioners are not covered by the judgement dated 28.08.2026 and they are governed by the notification dated 17.07.2020. Therefore, in view of the position stated in the foregoing paras, the claim of the petitioners for the purpose of granting the Statutory Pay from the date of entry into service, along with arrears with interest @ 12% per annum thereon and to strike down the instructions dated 17.07.2020 (Annexure P-2) and to release the benefit to the petitioners in terms of the judgment passed in CWP No.15896 of 2023 titled Dr. Saurabh Sharma and others is not maintainable. The petitioners are entitled for the pay scales/grade as notified vide amended notification dated 06.03.2025 in service rules namely Punjab State Elementary Education (Teaching Cadre) Border Area Group-C Service (First amendment) Rules 2025.

Harkirat Kaur Channe, P.C.S.
Director School Education (Elementary),
Punjab.

Endst. No. DPIEE-EST202/221/2026-ESTABLISHMENT-2-DPIEE / I/1550109/2026/1-3

Dated: 11-11-2026

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-7 Branch), Civil Secretariat - II, Sector-9, Chandigarh.
2. Concerned District Education Officers (EE).
3. Concerned Petitioners as per list, through concerned District Education Officers (EE).

JATINDER KUMAR BANSAL
ASSISTANT DIRECTOR