

OFFICE OF DIRECTOR SCHOOL EDUCATION (SECONDARY), PUNJAB
Punjab School Education Board Complex, Phase-8, SAS Nagar
(Email ID- adsadpi@punjabeducation.gov.in)
(Establishment-2 Branch)

2024/5/058
m-1

Order No: 170430 DPSE-EST20CC/32/2021-ESTABLISHMENT-2-DPSE (3)

Dated, SAS Nagar: 28-11-2024,

Speaking Order

1. While disposing of CWP No. CWP No. 7531 of 2017 titled as "Amar Kumar and others Vs State of Punjab and other", the Hon'ble Punjab and Haryana High Court on 27-02-2024, had passed the following directions, relevant extract whereof is reproduced infra:-

3. *"Learned State counsel was unable to controvert the factual position and draw out any distinctive aspects in the aforementioned judgments or cite any contrary law.*

4. *In view of the aforesaid, the present petition is disposed of in terms of the judgments passed in Jagjit Singh, Harvinder Singh and Baljinder Kumar and others (supra)."*

2. And Whereas, pursuant to the direction thereof, I, the undersigned mulled over the entire matter in view of the law laid down by the Hon'ble Supreme Court in matter of State of Punjab vs. Jagjit Singh reported as 2016 (4) SCT 641 and by Division Bench of this Hon'ble Court in the matter of Vijay Sharma Vs. State of Punjab reported as 2002(1) SCT 931, and in CWP 2031 of 2016, Harvinder Singh & Ors vs. State of Punjab & Ors and other connected matters decided on 21.01.2020, which relates to the same advertisement against which the present petitioners were appointed.
3. And Whereas, as per available official record dated 09.09.2012 the office of under signed had issued advertisement to fill up, 5078 posts of rural Associate teachers in the master cadre in the various subjects i.e. Maths, Science, Punjab, Social Studies etc. On contract basis on a Consolidated pay of Rs. 6000/-per month. It is further mention that versus Petitioners had filed CWP no. 2031 of 2016 titled as Harwinder Singh And others VS State of Punjab and Others. Claiming entitlement to minimum Pay Scale. This CWP Petition was allowed by the Hon'ble High Court on 21.01.2020. However, the State of Punjab had assailed this Judgement dated 21.01.2020 by filing LPA -

Dr. S. S. Singh

4. 01 2021 which was dismissed by order dated 11.05.2022 thus the judgement dated 21.01.2020 passed in CWP - 2031 of 2016 was complied with releasing benefit to the petitioners.

4. And Whereas, the Petitioners of writ petition - 7531 of 2017 are also identical situated as the petitioners of CWP no. 2031 of 2016. Accordingly in view of the fact of implementation of Judgement dated 21.01.2020 rendered by this Hon'ble Court in CWP- 2031 of 2016. The Department of Finance after considering the entire facts of the matter and parity with petitioners of CWP - 2031 of 2016 finally acceded to approve the benefit to the petitioners of CWP-7531 of 2017 on 16-09-2024, thus the State Govt. decided to implement the judgement dated 07.02.2024 for granting minimum Pay Scales to the petitioners as well. Accordingly requisite benefits are being released to the petitioners. Furthermore, it is also apposite to mention that the petitioners are also entitled to get 38 month arrears prior to filing the present matter. The respective DDO's are directed to initiate process to release the benefits to the petitioners so as to implement the Hon'ble Court order dated 27.02.2024, in letter and spirit.

In the given facts thereof, and judicial pronouncement by the Hon'ble Apex Court and Division Bench of Hon'ble High Court. In this backforth, I, the undersigned is of the concerned view that the present claim belies in the writ petition is hereby admitted thus allowed.

Ordered accordingly.

(Paramjeet Singh, PCS)

Director School Education (Secondary), Punjab

Endorsement No :-Even-2024/307339-340 Dated, SAS Nagar:29-11-2024

A copy of the order is forwarded to the followings for necessary action and information:-

1. Concerned all District Education officers (Secondary) Punjab.
- ✓ 2. Concerned Employees through his District Education Officers (Secondary) Punjab.

ਦਫਤਰ ਜਿਲਾ ਸਿਖਿਆ ਅਫਸਰ (ਸੈ. ਸਿ.) ਬਠਿੰਡਾ (Establishment-2)

ਪਿਠਾਓਕਣ ਨੰ: ਅ-1/1()2024/ 662

ਮਿਤੀ 3.12.2024

ਉਪਰੋਕਤ ਦਾ ਉਤਾਰਾ ਸੰਬੰਧਤ ਸਕੂਲ ਮੁਖੀਆਂ ਜਿਲਾ ਬਠਿੰਡਾ ਨੂੰ ਸੂਚਨਾ ਤੇ ਯੋਗ ਕਾਰਵਾਈ ਹਿਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ।

ਜਿਲਾ ਸਿਖਿਆ ਅਫਸਰ (ਸੈ. ਸਿ.)
ਬਠਿੰਡਾ