

2024/5/164

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Order No: 167003/DPISE-EST20CC/26/2021-ESTABLISHMENT-2-DPISE (E-3)

Dated, SAS Nagar: 28-11-2024

Speaking Order

- 1.0 While disposing of CWP no. 12583 of 2020 titled as "Baljinder Kumar vs State of Punjab and others" the Hon'ble Punjab And Haryana High Court on 07.02.2024 had passed the following directions, relevant extract whereof is reproduced infra:-

9. "Indubitably, the petitioners, who were appointed through a regular process of selection as per statutory rules against sanctioned posts as Master/Mistresses, albeit on contractual basis and on a consolidated salary of Rs.6000/- per month, in pursuance to the terms and conditions of the advertisement dated 09.09.2012, which they had accepted and discharged their duties akin to those appointed on regular basis. Terming their appointment as contractual, was infact a misnomer. The incorporation of an explanatory condition in the appointment letter of the petitioners and the act of constraining them to knock the doors of the Court, even when the issue has been settled by Hon'ble the Supreme Court in Jagjit Singh (supra), is deprecated. As a sequitur, they are held entitled to the minimum of the pay scale.

10. On a cumulative consideration of the facts and circumstances of the case, while keeping the judgments referred to above in mind, the writ petition deserves to be and is hereby allowed in terms of the judgment in Harvinder Singh (supra). The necessary relief be granted within a period of six weeks from the date when a web-print of this judgement is received by the Department.

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 (Annexure P-8).
3. And Whereas, as per record on 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

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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 -29 of 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 no. 12583 of 2020 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 no. 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-12583 of 2020 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 07.02.2024, in letter and spirit.

In the given facts thereof, and judicial pronouncement of judgment, I the undersigned is of the concerned view that the present claim belies in the writ petition is hereby admitted thus allowed.

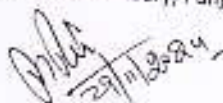
Ordered accordingly

(Paramjeet Singh, PCS)
Director School Education (Secondary), Punjab

Endorsement No : Even-2024/307326-327 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.

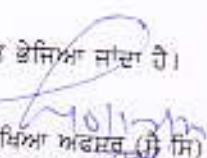

Assistant Director (Establishment-2)

ਦਫਤਰ ਜਿਲਾ ਸਿਖਿਆ ਅਫਸਰ(ਸੈ.ਸਿ) ਬਠਿੰਡਾ

ਪਿਠਾਅੰਕਣ ਨੰ: ਅ-1/1()2024/ 663

ਮਿਤੀ 10.12.2024

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


ਜਿਲਾ ਸਿਖਿਆ ਅਫਸਰ (ਸੈ.ਸਿ)
ਬਠਿੰਡਾ