

Government of Punjab
Department of School Education
(EDUCATION - 3 BRANCH)

SPEAKING ORDER

And whereas, a catena of writ petitions i.e. CWP-14283 of 2004 *Rekha Ohri & others vs. State of Punjab & others*, CWP-14846 of 2004, 15269 of 2004, 15270 of 2004, 15271 of 2004, 17812 of 2004, 20115 of 2004 and CWP-1125 of 2005 were filed by the Tailoring Teachers working in the Privately Managed Aided Schools praying therein that the pay scale of ₹570-1080, equivalent to that of the C&V cadre teachers, be granted to them w.e.f. 01.01.1978 and that the order dated 10.08.2004 withdrawing the said benefit be set aside. It was further pleaded that the State Government vide letter dated 17.02.1989 had granted the pay scale of ₹1640-2925 to C&V cadre teachers with placement in the senior scale of ₹1800-3200 after 8 years of service, which benefit was subsequently withdrawn from the Tailoring Teachers vide letter dated 11.08.2004.

2. And Whereas, the Hon'ble High Court in CWP-14283 of 2004 allowed the said writ petitions on 28.04.2005, in terms of judgment and orders passed in *Gokul deep Mehta & Others 1992(5)SLR269*. The relevant extract from the judgment and order is reproduced infra:-

"We find that the matter is covered in the petitioners favour by the Division Bench judgement of this court in *Gokal Deep Mehta & ors. Vs. State of Punjab Ors 1992 (5) SLR 269* which judgement has also been affirmed by the Hon'ble Supreme Court while dismissing the Special Leave Petition. The judgement in *Gokal Deep Mehta's case (Supra)* has also been followed by us in Civil Writ Petition No. 19442 of 2002 (*Surinder Kaur and others Vs. State of Punjab and another*) decided on 13.05.2004.

We accordingly allow this writ petition in the same terms.

Mr. Ashok Aggarwal has made a request for an adjournment for filing reply. However, in the light of the fact that the matter is covered in favour of the petitioners, as mentioned above, we decline the prayer for adjournment."

3. And Whereas, feeling aggrieved with the order dated 28.04.2005, the State Government preferred SLP NO. 2607 of 2005 before the Hon'ble Apex Court, which was dismissed vide order dated 10.12.2013. In compliance with the judgment and order dated 28.04.2005, the State Government, vide order dated 04.09.2015, passed a speaking order whereby the department allowed the pay scale of C&V cadre i.e Rs.4400/-(GP) to the Tailoring Teachers, restricted to the petitioners only.

4. And Whereas, that the Punjab Govt. constituted the Third Pay Commission and its recommendations were also accepted. Under the revised pay scale recommended by the Third Pay Commission, the Hindi, Punjabi, and Art & Crafts teachers were placed in the pay scale of Rs. 1500-2640 and such of the vernacular teachers, who were Shastris were placed in the higher pay scale of Rs. 1640-2925. The State of Punjab after acceptance of the recommendations of the Third Pay Commission issued order dated 17.2.1989 for revising of the pay scales of the teachers working in the Punjab Education Department, which was effective from 1.1.1986 and the following pay scales were notified in respect of Classical and Vernacular teachers:-

Sr No.	Category	Present Scales	Revised Scales
1.	C&V teachers i.e. Punjabi/Hindi/Urdu /Sanskrit teachers	Rs. 570-1080 (with 3 advance increments to Punjabi/Hindi/Urdu Teachers & 5 Advance increments to Sanskrit teachers)	1640-2925 Sr. Scale after 8 years service 1800-3200 Sr. Scale after 18 years service 2000-3500.

The Third Pay Commission recommended the pay scale of Rs. 1500-2640 for Art & Craft Teachers, PTI, MTI Teachers but the State Govt. reduced it and notified the pay scale at Rs. 1410-2460 at the commencement of the initial pay scale and after 8 years they were to be placed in the pay scale of Rs. 1500-2640 and again after 8 years of service in the pay scale of Rs. 1640-2925, whereas the classical and vernacular teachers in Punjabi, Hindi, Urdu and Sanskrit were initially placed in the pay scale of Rs. 1640-2925, after 8 years of service in the pay scale of Rs. 1800-3200 and after 18 years of service in the pay scale of Rs. 2000-3500.

Thereby, the petitioners who belong to categories like Art & Craft, PTI, MTI, Drawing Teachers etc. were placed in the lower pay scales than recommended by the Third Pay Commission.

5. And Whereas, being aggrieved by the aforesaid notification dated 17.02.1989, the petitioners filed the present petitions seeking the same pay scale as was being enjoyed by Hindi, Punjabi, Urdu and Sanskrit teachers. Some teachers filed CWP-16380 of 1989 and 16 other writ petitions were tagged with CWP-16380 of 1989, which was the leading case. In the writ petition, the petitioners assailed the action of the State on the ground that after having accepted the recommendations of the Pay Commission it was not entitled to tamper with the same and reduce the pay scale in an arbitrary manner. Secondly, that this category of employees was all along at par with the other categories of employees till the recommendations of the Third Pay Commission and they were having common seniority and, being members of the same cluster/category, could not be discriminated against. After detailed hearing, the Hon'ble Court allowed the writ petition on 07.05.2009 and observed as under:-

 "In view of the totality of the circumstances and the factual and legal position noticed herein above, I am of the considered view that the impugned notification dated 17.2.1989 is not sustainable in law and is liable to be quashed to the extent it has provided different pay scales for the petitioners, who are Art & Craft, PTI, MTI, Drawing Masters and Agriculture Teachers. They will be entitled to the same pay scale i.e. Rs. 1640-2925 as has been granted to the Hindi, Punjabi, Urdu teachers."

6. And Whereas, the State of Punjab being aggrieved by judgment and order dated 07.05.2009 preferred Letter's Patent Appeal (LPA-270 of 2012) against the Single Bench Order. The Hon'ble LPA Bench vide order dated 14.08.2012 allowed the appeal and set aside the judgment and order dated 07.05.2009 (Flag-B). Being dissatisfied with the judgment and order dated 14.08.2012 Special Leave Petition No. 422 of 2013 was filed by the aggrieved teachers before the Hon'ble Apex Court. The Hon'ble Apex Court vide order dated 13.01.2015 dismissed the SLP and upheld the order passed by the Ld. LPA Bench. In view of the fact that the Hon'ble Supreme Court, vide order dated 13.01.2015, subsequently superseded its earlier

order dated 10.12.2013, the Tailoring teachers, PTI, Music teachers and Art & Craft teachers cadre do not fall in C&V cadre and are not entitled to Rs.4400/- (GP).As a cumulative effect of aforesaid facts, reasons and judicial pronouncements, the speaking order dated 04.09.2015 for granting Grade Pay of Rs.4400/- was withdrawn with immediate effect by the Administrative Department (AD), Government of Punjab vide Speaking order dated 05.11.2024.

7. And Whereas, being aggrieved with the order dated 05.11.2024, the petitioners filed CWP No. 34482 of 2024, with a prayer that the speaking order dated 05.11.2024 (P-12) be set aside as the said order is alleged to be wrong, illegal, arbitrary, on the ground that the pay equation of the petitioners who are Sewing Teachers in privately managed aided schools with the C&V cadre teachers, had been affirmed up to the Hon'ble Supreme Court of India vide order dated 10.12.2013. The said matter came up for hearing on 20.12.2024 before the Ld. Single Bench, and after hearing the matter, the Hon'ble Court declared the petition infructuous and disposed of the matter with direction to the respondent. The relevant extract whereof is reproduced infra: -

"Learned counsel for the respondents on instructions from Mr. Shashi Gagg, Assistant Registrar (Legal), Department of School Education, Punjab submits that as the refixation of the salary of the petitioners is being done without giving show cause notice, the said order refixing the salary of the petitioner be treated as withdrawn with liberty to the State to follow the appropriate procedure by giving due show cause notice to the petitioner for the proposal of their re-fixation of their salary and whatever the objection will be received at the hands of the petitioners, will be considered and then appropriate decision will be taken whether, the salary of the petitioners is to be refixed or not.

Learned Senior counsel appearing on behalf of the petitioners submits that keeping in view the fact that the order refixing the salary of the petitioners have been withdrawn with liberty to pass a fresh order, the present petition has been rendered infructuous and may be disposed of as such."

8. And Whereas, pursuant to the direction thereof, I, the undersigned called for and perused the entire service matter of the petitioners along with judicial pronouncements of judgments which decided the issues raised by the petitioners in the interregnum period of time. In adherence to the directions of the Hon'ble

Court, an opportunity of personal hearing was afforded to the petitioners. The petitioners, in support of their claim, filed representations which were thoroughly considered; however, neither any new facts were brought to notice nor did any new material come on record and they reiterated their earlier submissions. One pivotal issue raised in the personal hearing was with regard to Punjab Government Notification dated 11th August 2015, wherein in Point-5 of the C&V Cadre the petitioners, i.e. Sewing Teachers were stated to fall in sub-para(iv). In this regard, it is specifically clarified that the said notification pertains to amendment in Educational Qualifications and is the first amendment to The Punjab Privately Managed Recognized Schools Employees (Security of Service) Rules, 1981 and is not concerned with the inclusion of the sewing teachers in C&V cadre.

Having considered the claim of the petitioners in detail and after giving anxious consideration to the matter, I, the undersigned, have come to the conclusion that the claim of the petitioners for grant of Grade Pay equivalent to C & V cadre i.e. Rs.4400/- is not maintainable in light of the pronouncements of the Ld. LPA Bench and thereafter of the Hon'ble Supreme Court.

In view of the aforesaid judgments, the claim of the petitioners cannot be sustained and is hereby rejected. Consequently, the speaking order dated 05.11.2024 is hereby up held.

Dated, Chandigarh
04-03-2026

Sonali Giri, IAS
Secretary to Government of Punjab
Department of School Education

Endst: SED-EDU301/42/2025-1EDU3/138486 Dated, Chandigarh 05/03/2026

The copy of the above is forwarded to the following for information and necessary action:

1. Director, School Education (SE), Mohali, Punjab;
2. OSD (Legal), O/o Secretary School Education;
3. Concerned Petitioners (Through Directorate of School Education (SE))


Under Secretary

Endst No. 816006 DPSE-GP10G/HL/202/2024 GRANT PENSION-1 DPSE/202667/43-147 Dated, SAS Nagar 13-03-2026

Copy is forwarded to the following for information and necessary action -

1. All the District Education Officers (Secondary) in the State of Punjab,
2. Superintendent, Grant Pension - 2 Branch,
3. Concerned Assistants (G-3 and G-4) in Grant Pension - 1 Branch,
4. Concerned School Management/ Incharge, (through concerned District Education Officer (Secondary))
5. Concerned Petitioners. (through Concerned School Management/ Incharge)


Assistant Director (PAS)

ਦਫਤਰ ਜਿਲ੍ਹਾ ਸਿੱਖਿਆ ਅਫਸਰ (ਸੈਕੰਡਰੀ) ਬਠਿੰਡਾ

ਪਿੰਨ ਅੰਕਣ ਨੰ-ਲ-1/1()2026/Pen/3342

ਮਿਤੀ 07.10.2026

ਉਪਰੋਕਤ ਦਾ ਉਤਾਰਾ (ਪੰਨਾ ਨੰ. 5), Government of Punjab Department of School Education (Education -3 Branch) SED-EDU301/42/2025-IEDU3 1/1335486/2026 Dated 04.03.2026 Endst: SED-EDU301/42/2025-IEDU3/1335486 Dated Chandigarh 05.03.2026 ਅਤੇ ਦਫਤਰ ਡਾਇਰੈਕਟਰ ਸਕੂਲ ਐਜੂਕੇਸ਼ਨ (ਸੈਕੰਡਰੀ) ਪੰਜਾਬ, ਐਸ.ਏ.ਐਸ ਨਗਰ (ਪੇਨਸ਼ਨ ਸ਼ਾਖਾ) Endst No. 816006 DP/SE-GP10GENL/302/2024-GRANT PENSION-1-DP/SE/202669143-147 Dated, SAS Nagar 13.03.2026) ਸਬੰਧਤ ਸਕੂਲ ਮੈਨੇਜਮੈਂਟ/ਇੰਚਾਰਜ/ਸਕੂਲ ਮੁੱਖੀ, ਏਡਿਡ ਸਕੂਲ, ਜਿਲ੍ਹਾ ਬਠਿੰਡਾ ਨੂੰ ਭੇਜਦੇ ਹੋਏ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ (ਲੜੀ ਨੰ 5 ਦੇ ਸਨਮੁੱਖ) ਸਬੰਧਤ ਅਧਿਕਾਰੀਆਂ ਪਟੀਸ਼ਨਰਾਂ ਤੱਕ ਆਚਡਰ/ਸਕੂਲ/ਕਰਮਚਾਰੀਆਂ/ਨੋਟ ਕਰਵਾਏ ਜਾਣ ਅਤੇ ਸਪੀਕਿੰਗ ਆਡਰਾਂ ਅਨੁਸਾਰ ਯੋਗ ਕਾਰਵਾਈ ਆਰੰਭੀ ਜਾਵੇ।

2- ਦਫਤਰ ਡਾਇਰੈਕਟਰ ਸਕੂਲ ਐਜੂਕੇਸ਼ਨ (ਸੈਕੰਡਰੀ) ਪੰਜਾਬ, ਐਸ.ਏ.ਐਸ ਨਗਰ (ਪੇਨਸ਼ਨ ਸ਼ਾਖਾ) ਨੂੰ ਸੂਚਨਾ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ।

ਜਿਲ੍ਹਾ ਸਿੱਖਿਆ ਅਫਸਰ (ਸੈ.ਸਿ)
ਬਠਿੰਡਾ