

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.20297 of 2011

Date of Decision:-03.08.2016

The Master Cadre Association (Regd.) 1790, Phase-7, S.A.S. Nagar,

Mohali through its President Shri. Gursewak Singh.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Arjun Pratap Atma Ram, Advocate for the Petitioner.

Mz. Sudeepti Sharma, Deputy Advocate General, Punjab.

JASWANT SINGH, J.(ORAL)

Petitioner is a registered association of members working as Masters/Mistresses in different streams in the Department of Education (School Education), Government of Punjab. The certificate of registration is annexed as Annexure **P-1** with the list of members at P-3. The post in the Master Cadre is governed by the statutory Rules, namely, Punjab School Education Class-III Service Rules (School Cadre) 1978. The method of recruitment provides 25% to be filled up by way of promotion from the feeder cadre posts, *inter alia* from amongst Classical and Vernacular teachers.

The grievance set out in the petition is that the feeder cadre of

Classical and Vernacular teachers have been vide letter dated 12.05.2011 (**P-7**) granted the same pay scale as that of the Master Cadre w.e.f. 1.1.1986 and the consequent revisions, therefore, the prayer is for grant of higher pay scale than that of feeder cadre of Classical and Vernacular teachers.

It is not in dispute that the letter dated 12.05.2011 (**P-7**) equating the pay scale as aforesaid was in compliance of a decision dated 07.05.2009 given by the learned Single Judge of this Court in a bunch of petitions titled as Balbir Singh & Ors & connected cases Vs. State of Punjab bearing CWP No.16380 of 1989 at Annexure **P-6**. In the judgment at **P-6** it was held that the pay commission had considered the Classical and Vernacular teachers i.e. Art and Craft, PTI, MTI, Drawing Masters and Agriculture Teachers to be entitled to the same pay scales as the masters and, therefore, the notification dated 17.02.1989 issued by the government of Punjab placing the two categories in different pay scales w.e.f. 1.1.1986 was unsustainable in law. Accordingly, it was directed that both the set of employees would be entitled to the same pay scale w.e.f. 01.01.1986. The government while issuing **P-7** had made such grant subject to decision of the LPAs to be filed by the government of Punjab.

The Government of Punjab while implementing the judgment at **P-6** had also filed LPA no.270 of 2012 and LPA No.518 of 2012 challenging the judgment dated 7.5.2009. The LPA Bench vide a detailed and well considered judgment dated 14.08.2012 set aside the judgment passed by the Single Judge at Annexure **P-6** while upholding the notification dated 17.02.1989. The SLPs filed by the original petitioners of **P-6** were dismissed vide order dated 13.01.2015 while limiting the relief of staying the recoveries to be made from the employees who have been

granted the benefit of higher pay scales pursuant to P-7.

At the time of hearing, learned Counsel for the petitioner very fairly concedes that the relief claimed in the petition in the light of the aforesaid circumstances does not require any further adjudication as the feeder cadre posts of Classical and Vernacular Teachers have been restored back as per law to their original position in the matter of pay scale by virtue of the decision of the LPA Bench dated 14.08.2012 as upheld by the Hon'ble Supreme Court vide order dated 13.01.2015 and as such the present petition has become infructuous.

Dismissed as infructuous.

(JASWANT SINGH)
JUDGE

August 03, 2016
Vinay

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No