

**IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH**

CWP No.1837 of 2016

Date of decision: 01.08.2016

Surjit Singh and others

...Petitioners

Vs.

State of Punjab and others

...Respondents

(2)

CWP No.2196 of 2016 (O&M)

Ram Chand and others

...Petitioners

Vs.

State of Punjab and others

...Respondents

3)

CWP No.6302 of 2016

Santosh Kaur

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. R.K.Arora, Advocate
for the petitioners.

Mr. T.N.Sarup, Addl.A.G., Punjab.

DAYA CHAUDHARY, J. (ORAL)

This order shall dispose of three writ petitions bearing CWP Nos.1837, 2196 and 6302 of 2016 as the relief claimed in all the cases is the same. The facts are being extracted from CWP No. 1837 of 2016.

The prayer in the present petition is for issuance of a writ in the nature of Certiorari/Mandamus for quashing the action of the

respondents in reducing the pay scale /grade pay of the petitioners after/at the time of their retirement.

Learned counsel for the petitioners submits that the claim of the petitioners has been accepted and now only the payment remains to be released.

Learned State counsel has filed reply in the Court and the same is taken on record. On instructions from Ravinder Singh, Sr. Assistant, O/o DPI (SE), Punjab, learned State counsel submits that the reply has been filed in one case i.e. CWP No.1837 of 2016 and the same may be read in other two cases as well.

On perusal of the reply filed by the respondent-State, it is clear that the grievance of the petitioners has already been redressed and nothing survives in the present petition as

Para Nos.4, 5 and 6 of the written statement are reproduced as under:-

“4. That vide notification dated 17.02.1989, the pay scales of teaching personnel were revised with effect from 01.01.1986 and the Language Teachers were given the pay scale meant for Masters/Mistresses as a measure personal to them. In the subsequent pay revisions pay scales of Language Teachers had not been notified separately. At present the pay band for Masters/Mistresses is Rs.10,300-34,800 + Grade Pay Rs.5,000/- effective from 01.12.2011. The Respondent-State vide Notification dated 05.11.2011 revised the grade Pay of Classical and vernaculars Teachers from Rs.3,200/- to Rs.4,400/- as Language Teachers. Such as the petitioners, are part and parcel of a cadre which generally known as Classical and Vernacular Teachers, therefore, a confusion prevailed with regard to

admissibility of Grade pay to Language Teachers i.e. Punjabi Teacher, Hindi Teacher, Urdu and Sanskrit Teachers, which led to issuance of clarification dated 24.08.2015 (Annexure P-11).

5. *That it is further respectfully submitted that on examination of entire matter, it was felt that the above said clarification dated 24.08.2015 given by the Department of Finance was not in consonance with the factual position with regard to admissibility of Grade Pay to Language Teachers. Therefore, in order to resolve the matter for all the times to come, the matter was taken up with the Department of Finance. After considering the entire matter, Respondent No.2 in consultation with the Respondent No.1 vide Memo No.11/63/15-4 Edu. 6/724324/1, dated 31.03.2016 (Copy appended as Annexure R-2/1) has clarified as under:-*

“Advised is to implement the pay scales as given in their notification dated 17.02.1989 keeping in view the facts mentioned in these instructions that these scales are given as a measure personal to the present incumbent (Language Teachers) and in future, masters be appointed as Language Masters.”

6. *That it is further respectfully submitted that in pursuance of the above said advice given by the Government, the detailed instructions regarding grant of pay scale of Rs.10,300-34,800 + Grade Pay Rs.5,000/- effective from 01.12.2011, which is meant for Language Masters have been issued to all the District Education Officers in the State of Punjab for its implementation vide Memo No.09/256-2015 Estt. 5(3), dated 30.05.2016, a copy of which is being appended as Annexure R-2/2 hereto for the kind perusal of this Hon'ble Court. Vide the said instructions, it has, inter-alia, been clarified that the Language Teachers, like the petitioners, are entitled to pay*

band and Grade Pay equal to Masters and Mistresses as revised from time to time. It has further been clarified that in case pay of any Language Teacher had already been down graded on the basis of earlier clarification /confusions, the same is required to be rectified by re-fixing pay of such teachers in accordance with the said clarification. It has also been instructed that in case any recovery had already been effected from the concerned employee, an endeavour be made for refunding the same after adjusting the over payment, if any, made to concerned employee owing to any reasons, whatsoever.”

In view of the stand taken in the written statement by the respondent-State, nothing survives in the present petition. However, respondents-State is directed to release the necessary payment, if any, to the petitioners within a period of three months from the date of receipt of certified copy of this order.

The petition stands disposed of.

01.08.2016

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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes / No

Whether reportable

Yes / No