

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

CWP-22013-2013 (O&M)
Date of decision:07.07.2017

Naresh Kumar & others ... Petitioners

Vs.

State of Punjab & others ... Respondents

2. CWP-28500-2013 (O&M)
Date of decision:07.07.2017

Harpreet Singh & others ... Petitioners

Vs.

State of Punjab & another ... Respondents

3. CWP-9019-2014 (O&M)

Rajinder Kumar & others ... Petitioners

Vs.

State of Punjab & others ... Respondents

4. CWP-12622-2014 (O&M)

Paramjit Kaur & others ... Petitioners

Vs.

State of Punjab & others ... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. H.C. Arora, Advocate and
Mr. Rajbir Singh, Advocate for the petitioner(s).

Mr. Anupam Singla, Advocate for respondents No.2 and 3 in
CWP No.22013 of 2013, CWP Nos.9019 and 12622 of 2014
and for respondent No.2 in CWP No.28500 of 2013.

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TEJINDER SINGH DHINDSA, J.

In pursuance to a selection process initiated in the light of two

advertisements dated 07.01.2010 and 08.03.2011 issued by the Rashtriya Madhyamic Shiksha Abhiyan Authority (for short 'RMSA'), petitioners were selected and appointed as TGT/Clerks/Data Entry Operators on contractual basis. The recruitment process was not only initiated but conducted by the RMSA.

The uncontroverted position of fact is that a combined merit list was prepared and in pursuance thereto, some of the selected candidates be it on the post of TGT Teachers, Clerks or Data Entry Operators were posted in the Adarsh Schools and some were posted in the Model Schools. The petitioners in these four connected petitions were posted in the Model Schools. There is also no dispute as regards the factual premise that some of the petitioners herein even though had secured a higher merit position, yet were posted in the Model Schools.

The short grievance raised in these connected petitions is that the grade pay of TGT Teachers/Clerks/Data Entry Operators working in Adarsh Schools was enhanced subsequent to appointment whereas the petitioners were denied the benefit of such enhanced grade pay.

Case set up on behalf of the petitioners is that having been selected and engaged in pursuance to a common selection process, they could not have been treated differently in the matter of grant of emoluments as the same would be arbitrary and violative of Articles 14 and 16 of the Constitution of India.

Mr. Anupam Singla, learned counsel representing RMSA has apprised the Court that after filing of the present petitions, certain relevant developments had taken place. Mr. Singla, would clarify that at the stage of selection and appointment of the petitioners on contractual basis on

different posts like TGT/Clerks/Data Entry Operators, the Model Schools even though being run under RMSA but were funded by the Central Government whereas the Adarsh Schools were being funded as also controlled by the Punjab Education Development Board (in short 'PEDB'). At a later point of time, the Model Schools even though being managed under RMSA are now being funded by the PEDB. As a direct consequence thereof, even the pay scales of the present petitioners have now been enhanced and brought at par with the corresponding posts held by other appointees in pursuance to the same very selection process and who had joined in the Adarsh Schools.

Such factual position is not disputed even by learned counsel representing the petitioners in these connected petitions.

Clearly, in the light of such development, substantial relief as sought for in these petitions already stands granted.

Mr. H.C. Arora, learned counsel appearing for the petitioners in CWP No.28500 of 2013 would, however, submits that one grievance and claim of the petitioners would still survive i.e. for the period, the other employees, who were engaged in pursuance to the same selection process and had been posted in Adarsh Schools and who had been granted the enhanced pay scales and till such point of time when the pay scales of present petitioners had been brought at par, they would be entitled to even arrears of salary.

Counsel appearing for the petitioners makes a statement that they would be satisfied if on such limited issue they be granted liberty to approach the Director General, School Education-cum-State Project Director, RMSA as regards their claim.

Mr. Anupam Singla, learned counsel representing respondent No.2 i.e. Director General, School Education-cum-State Project Director, RMSA does not oppose such course of action to be followed.

In view of the fact that the pay scales of the petitioners working in Model Schools have at present been brought at par with the other selectees and appointees posted with the Adarsh Schools, the instant writ petition is disposed of in terms of granting liberty to the petitioners to approach respondent No.2 i.e. Director General, School Education-cum-State Project Director, RMSA with regard to setting up their claim for enhanced pay scale with effect from the date other appointees posted in Adarsh Schools were granted the same. In the eventuality of any such representation/claim being filed the Director General, School Education-cum-State Project Director, RMSA would be obligated to consider the same and thereafter to take a final decision thereupon expeditiously and in any case, within a period of four months from the date of submission of the representation/claim.

It is clarified that while granting such liberty, this Court has not expressed any opinion on the merits with regard to the claim of the petitioners as aforenoticed.

Petitions are disposed of.

07.07.2017

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| (i) | Whether speaking/reasoned? | Yes/No |
| (ii) | Whether reportable? | Yes/No |