

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CWP No.4809 of 2016 (O&M)

Date of Decision: 24.01.2017

Gurjant Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sunny Singla, Advocate
for the petitioner.

Mr. B.M. Vinayak, DAG Punjab.

JAISHREE THAKUR, J. (Oral)

The petitioner herein retired as Punjabi teacher and seeks grade pay of Rs.5000/- as has been granted to the other teachers.

Counsel for the petitioner relies upon the judgment rendered in Civil Writ Petition No.22329 of 2015 titled as '**Ram Singh Kalra and others vs. State of Punjab and others**', decided on 30.11.2016, in which, while relying upon the judgment passed in Civil Writ Petition No.1837 of 2016 '**Surjit Singh and others vs. State of Punjab and others**' decided on 01.08.2016. It is contended that claim of the petitioner is covered by the aforesaid judgment.

Counsel for the respondents-State does not dispute the decision

as rendered in the aforesaid judgments, while relying upon their reply filed. In the reply it is submitted that vide notification dated 17.02.1989, the pay scales of teaching personnel were revised w.e.f. 01.01.1986 and the language teachers, like the petitioner, were given the pay scale meant for Masters/Mistresses as a measure personal to them, however, in the subsequent pay revisions, pay scales of language teachers had not been notified separately. It is stated that at present the pay band for Masters/Mistresses is Rs.10300-34800 plus grade pay Rs.5000/- effective from 01.12.2011. The respondent-State vide notification dated 05.11.2011 revised the Grade Pay of Classical and Vernacular teachers from Rs.3200 to Rs.4400/-. As Language teachers, like the petitioner, 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. On examination of the entire matter, it was felt that the said notification 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 times to come, the matter was again taken up with the Department of Finance and after considering the entire matter vide memo dated 31.03.2016, it has been advised to implement the pay scales as given in their notification dated 17.02.1989. It is further submitted that vide memo dated 30.05.2016 it has been *inter alia* clarified that the language teachers, like the petitioner, are entitled to pay band and grade pay equal to Masters and Mistresses revised from time to time. It has been further been clarified that

in case pay of any language teacher had already been down graded on the basis of earlier clarifications/confusions, the same is required to be rectified in re-fixing the pay of such teachers in accordance with the said clarification.

In view of the above fact that the department of the respondent-State has already taken a decision to grant the pay scale of Rs.10300-34800 plus grade pay of Rs.5000/- effective from 01.12.2011 to the language teachers, like the petitioner, no further orders are called for in this regard. However, the petitioner submits that the revised pension has not been paid to the petitioner so far.

Let the needful be done within a period of four months from the date of receipt of certified copy of this order.

The petition stands disposed of accordingly.

January 24, 2017
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No