

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

(1) CWP No. 17776 of 2004 (O&M)
Date of Decision: 14.11.2018.

Janak Kumari and others

... Petitioners

Versus

State of Punjab and others

... Respondents

(2) CWP No. 1671 of 2005 (O&M)

Surinder Kaur and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present: Mr. Madhav Pokhrel, Advocate,
for the petitioners in both the petitions.

Mr. Vikas Mohan Gupta, Addl. AG Punjab.

JITENDRA CHAUHAN.J.

This judgment shall dispose of aforementioned two civil writ petitions as common questions of facts and law are involved therein.

The facts are being taken from C.W.P. No. 17776 of 2004. Through the instant civil writ petition the petitioners seek quashing of memo dated 10.08.2004 (Annexure P-12) vide which the scale of Arts and Crafts Teachers already granted to the petitioners right from the date of their appointment was withdrawn.

The petitioners had joined as Sewing Teachers in the government aided schools. The salary of the employees in the aided schools to the extent of 95% is borne by the State Government. The appointment of the petitioners were duly approved by the Punjab Education Department vide orders dated 19.01.1996 (Annexure P-1), 14.05.1992, 04.05.1994, 23.10.1986 respectively. The pay scales of Punjab Government employees were revised with effect from 01.01.1986 on the recommendations of the First Pay Commission. The Arts and Crafts teachers as well as Sewing Teachers who were in the Classical and Vernacular cadre were granted the pay scale of Rs.150-300. However, this pay scale was subsequently revised to Rs.170-350. The pay scale of Rs.170-350 was granted to all the categories of teachers including the Sewing teachers who were in the Classical and Vernacular cadre. It is claimed that the posts of Arts and Crafts Teachers including Sewing teachers are part and parcel of the Classical and Vernacular cadre and as such are entitled to the same scale of pay as has been granted to other categories of teachers in the said classical and vernacular cadre.

On the other hand, the stand of the respondents is that the petitioners had been working as Sewing Teachers in Private Aided Schools. The Punjab Govt. vide notification No. 11/64-8-2 Edu-61/666 dated 17.02.1989 had revised the pay scale with effect from 01.01.1986 and the scale of Sewing Teachers was revised as Rs.1200/2100. As per the notification, no pay scale was given to Sewing Teachers. They were

granted the pay scale according to the fitment table appended with the notification of the Government. Accordingly, the Sewing Teachers are entitled to pay scale of Rs.4020-6200 instead of Rs.5000-8100. The petitioners have got fixed their pay at Rs.5000/- from the concerned management which is against the notification of Punjab Govt. A *bonafide* mistake can be rectified as and when it comes to the notice of competent authority.

Heard.

The relevant portion of the order dated 04.09.2015 (Annexure P-14) passed by Chief Secretary, School Education Department of Education (Schools), Punjab is reproduced as under:-

Keeping in view the above facts and in compliance of the orders of the Hon'ble Supreme Court, vide which the judgments given by the Hon'ble Punjab and Haryana High Court in favour of the petitioners has attained the finality, thus, it is hereby approved for the grant of pay scale at par with the C&V cadre to those petitioners, but such benefit be given to the petitioners (in personam) only. This may be insured that in future at the time of issuance of the notification of pay commission, the masters, C&V teachers and sewing teachers working in the aided schools be made at par with their counterparts working in the Govt. schools. After implementing this decision, if it becomes necessary to approve the more budget in the financial year then this shall be ensured to get such budget approved from the department of finance at the time of submission of supplementary grant.

From the above-referred order (Annexure P-14), it is clear that the Government of Punjab has approved that the Masters,

Craft & Vernacular teachers and sewing teachers working in the aided schools be treated at par with their counterparts working in the

government schools, therefore, the stand of the respondents that the Classical and Vernacular cadre and Sewing Teachers are a different cadre deserves to be rejected. Consequently, both the writ petitions are allowed. The impugned memo dated 10.08.2004 (Annexure P-12) is set aside. The respondents are directed not to withdraw the pay scale meant for Arts and Crafts teachers, already allowed to the petitioners since inception. The necessary exercise be done within a period of two months from the date of receipt of certified copy of the judgment.

A photocopy of this order be placed in the file of other connected case(s).

14.11.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No