

**118 IN THE HIGH COURT OF PUNJAB & HARYANA,
CHANDIGARH**

CWP No. 3388 of 2023

Date of decision : February 20, 2023

Manish Kumar and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- None for the petitioner.

Mr. Sehajbir S. Aulaukh, AAG., Punjab.

Pankaj Jain, J (oral).

Present petition has been filed under Article 226 of the Constitution of India praying for issuance of writ in the nature of mandamus. Petitioners herein who are employees of aided Schools seek parity with the employees of government school relying upon Section 7 of Punjab Privately Managed Recognized Schools Employees (Security of Service) Act, 1979 (hereinafter referred to as 'the 1979 Act').

Learned counsel for the State does not dispute the letter dated 17.01.2023 issued by the office of Director of Public Instructions (S.E.), Punjab (Annexure P-5) wherein with respect to the precise issue raised by the petitioners it has been observed as under:-

“1.As per Section 7 of the Act, Punjab Privatively Managed Recognized School (Security of Service) Act, 1979 (for short "the Act"), employees working against

the aided posts are entitled to the scale of pay and dearness allowances at par

with the employees of the state Government holding corresponding posts.

2. The State Government has already implemented the majority of the recommendations of 6th Pay Commission w.e.f. 01.01.2016 to all the Government employees and retirees from the Government.

3. The Department of School Education has already sent its proposal to implement the 6th Pay Commission pay report to Finance Department, Govt. of Punjab through Administrative Department for employees working in the aided schools/retired from aided schools. Thereafter the Finance Department further sought information as regards to total posts fall under grant-in-aid and tentative budget from the department, which has already furnished to Finance Department. In nutshell the matter is still pending with Department of Finance. As soon as the final decision is taken by the Finance Department the department of school education immediately will swift into action accordingly.”

Thus, the matter is under consideration. The matter relates to fruits of acceptance of recommendation of 6th Pay Commission w.e.f. 01.01.2016 which already stand granted to all the government employees including retirees. The consideration at the hands of State cannot be allowed for infinite time.

Notice of motion.

Mr. Sehajbir S. Aulaukh, AAG., Punjab., who is present in Court accepts notice on behalf of the respondents. He submits that respondent No.3/competent authority will look into the matter and will take a decision on the claim raised by the petitioner in accordance with law.

I have heard learned counsel for the parties and have gone through

Resultantly, the State is directed to take a final decision with respect to proposal of implement the 6th Pay Commission for employees working in the aided Schools/retired from aided Schools in the light of Section 7 of the 1979 Act within a period of four months from the date of receipt of certificate copy of this order. In case, the petitioners are found entitled, their claim be released within a period of six weeks thereafter.

The petition stands disposed off.

(PANKAJ JAIN)
JUDGE

February 20, 2023
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Whether speaking/reasoned	Yes
Whether Reportable	No