

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.115

CWP-7481-2023

Date of decision : 21.09.2023

Vaneet Kumar and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present : Mr.Sunny Singla, Advocate, for the petitioners.

Mr.R.S.Pandher, Sr.DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

1. Learned counsel for the petitioners does not challenge the condition imposed in the petitioners' appointment letters with regard to probation period in their case being three years or until approval from Punjab Public Service Commission, Patiala is received.

2. In this writ petition Clause 1(a) and 1(b) of the notification dated 09.10.2018 (Annexures P-4) mandating that the Teachers of all cadres whose services are merged and who are regularized in the Education Department of the Government of Punjab would draw initial pay in the pay scale plus grade pay of the respective cadres upto 03 years which was reduced to 02 years in the later notification, is in challenge.

3. At the outset, learned counsel for the petitioners contends that the case of the petitioners is fully covered in their favour by a recent judgment of a Division Bench of this Court dated 27.03.2023 passed in a bunch of petitions in which the lead case was *CWP No. 7382 of 2019 – Rajinder Kumar and others Vs. State of Punjab and others*.

4. Learned State counsel very fairly does not deny the above assertion.

5. In the light of the above, the present petition is also allowed in terms of the directions as given in *Rajinder Kumar's* case (supra) which are as follows:-

“Therefore, for the reasons alike, these Writ Petitions are also allowed, and the said clauses i.e. Clause 1(a) of the notification dt.09.10.2018 and notification dt.08.03.2019 insofar as they provide for payment to such absorbed Teachers the initial pay in the pay scale + grade pay of the respective cadres for the period of 3 years/2 years as mentioned in the said notification, is set aside, and it is declared that the petitioners in these Writ Petitions are entitled to be paid regular pay scales along with all other emolument and allowances etc. from the date of their initial appointments on absorption in the Education Department, Government of Punjab, and the respondents are directed to pay arrears to them within three months from today.

It is further directed that the respondents shall count the period spent on probation as regular service for the purpose of determination of total length of service of petitioners under the Service Rules.

As regards the relief of pay protection sought by the petitioners is concerned, the said issue is left open for consideration and appropriate case.”

6. No costs.

[DEEPAK SIBAL]
JUDGE

21.09.2023
shamsher

[SUKHVINDER KAUR]
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes / No
Yes / No