

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CWP-18066-2010 (O&M)
Reserved on: 17.03.2023
Date of decision: 17.08.2023

SURJIT KAUR

..Petitioner

Versus

STATE OF PUNJAB & ORS.

..Respondents

2. CWP-5928-2015 (O&M)

KIRAN BALA AND ORS.

..Petitioners

Versus

STATE OF PUNJAB & ANR.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Swarn Sandhir, Advocate
for the petitioner (in CWP-18066-2010)

Mr. Kapil Kakkar, Advocate
for the petitioner (in CWP-5928-2015)

Mr. R.K. Kapoor, Addl. A.G., Punjab.

ANIL KSHETARPAL, J.

1. With the consent of the learned counsel representing the parties, this order shall dispose of two connected writ petition i.e. CWP-18066-2010 (Surjit Kaur Vs. State of Punjab and others) and CWP-5928-2015 (Kiran Bala and others Vs. State of Punjab and another).

2. In both the writ petitions, the petitioners are claiming that they are entitled to pensionary benefits after re-fixation of their pay in the category of classical and vernacular teacher. In CWP-18066-2010, the petitioner is praying for issuance of a writ of certiorari to quash order

petitioner for pension was returned, whereas, vide Annexure P-7, Senior Accounts Officer has disposed of demand notice sent by the petitioners. In CWP-5928-2015, the petitioners are praying for issuance of a writ in the nature of mandamus to grant the pay scale as admissible to classical and vernacular teacher as per senior/selection grade as revised from time to time.

3. In CWP-18066-2010, the petitioner Smt. Surjit Kaur previously filed a writ petition in the High Court challenging the order of recovery after refixation of the pay. The batch of writ petition was disposed of on 28.05.2009 including the writ petition of the petitioner. The petitioners gave up their challenge to the refixation of pay, however, the order of recovery was set aside in terms of the judgment passed by Hon'ble Full Bench of this Court on 22.05.2009 in CWP-2799-2008 (Budh Ram and others Vs. State of Haryana and others). Thereafter, even a review application filed by the petitioner was disposed of after specifically noticing that the petitioner did not challenge the refixation of pay.

4. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused both the paperbooks.

5. In fact, on the directions of the Court, an additional affidavit of District Education Officer (Secondary Education), Patiala, has been filed, in which it was clarified that language teachers, PTI teachers, art and craft teachers, tailoring mistress, sewing teachers, music teachers, tabla player formed part and parcel of category generally known as classical and vernacular teacher but the said teachers had been enjoying different pay scales right from the very beginning. A tabulated compilation of pay scales, which were being paid to each category of teacher is extracted as under:-

	Sewing Teacher	Music Teacher	Tailoring Mistress	Art and Craft	Language Teacher	PTI	Tabla Player
01.01.1986	1200- 2100	1200- 2100	1200- 2100	1500- 2640	1500- 2640	1500- 2640	1200- 2100
01.01.1996	4020- 6200	4020- 6200	4020- 6200	5000- 8100	5000- 8925	5000- 8100	4020- 6200
01.01.2006	5910- 20200+ 2400	5910- 20200+ 2400	5910- 20200+ 2400	10300- 34800+ 4400	10300- 34800+ 4400	10300- 34800+ 4400	5910- 20200+ 2400

6. No replication to the aforesaid affidavit has been filed. Moreover, this issue was previously examined by the Supreme Court in **State of Punjab and others Vs. Savinderjit Kaur, Appeal (Civil) No.1382 of 1999, decided on 18.03.2004**. The judgment passed by the High Court was set aside and it was held that even if the judgments passed in Amarjit Kaur and Prabhjit Kaur had not been appealed against, still the pay scales shall be regulated by the statutory rules and sewing teachers are not entitled to pay scales of classical and vernacular teacher. The Supreme Court also noticed that there is no challenge to the validity of notification dated 17.02.1989.

7. Keeping in view the aforesaid facts, there is no error in the stand of the respondent-State to refuse to pay pensionary benefits after refixation of their pay equivalent to classical and vernacular teacher.

8. For the reasons stated above, there is no scope for issuance of the writ as prayed for, hence, both the writ petitions are dismissed.

9. All the pending miscellaneous applications, if any, are also disposed of.

17th August, 2023

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No