

6. CWP No.2905-2017(O&M)

Naresh Pal

.....Petitioner

versus

State of Punjab and others

.....Respondents

7. CWP No.6810-2017(O&M)

Lalita and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

8. CWP No.20663-2015(O&M)

Shobha Joshi

.....Petitioner

versus

State of Punjab and others

.....Respondents

9. CWP No.20720-2015(O&M)

Rama Rani

.....Petitioner

versus

State of Punjab and others

.....Respondents

10. CWP No.7454-2016(O&M)

Narinder Kaur and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

11. CWP No.8284-2020(O&M)

Baldev Kaur

.....Petitioner

versus

State of Punjab and others

.....Respondents



12. CWP No.22910-2016(O&M)

Balbir Singh and othersPetitioners

versus

State of Punjab and anotherRespondents

CORAM HON'BLE MR.JUSTICE HARSIMRAN SINGH SETHI

Present Mr. Parvesh K.Saini, Advocate,
for the petitioners in CWP-2717-2019.

Mr. Kriteka Sheokand, Advocate,
for the petitioners in CWP-22910-2016.

Mr. Jugam Arora, Advocate,
for petitioner no.7 in CWP-22910-2016.

Mr. Vikas Chatrath, Advocate
Ms. Tanya Sehgal, Advocate,
Mr. Akshat Kalia, Advocate
for the petitioner in CWP-2905-2017.

Mr. Inayat Khullar, Advocate,
for the petitioners in CWP Nos. 11886, 14311, 18068, 23868,
20663 and 20720-2015 and CWP Nos. 8284 of 2020.

Mr. Gaurav Sharma, Advocate,
for the petitioner in CWP-6810-2017.

Mr. Pawan Kumar Goklaney, Advocate,
with Mr. Ashish Goklany, Advocate,
for the petitioner in CWP-7454-2016.

Mr.Amarpreet Singh Bains, AAG, Punjab.

HARSIMRAN SINGH SETHI J, (ORAL)

1. By this common order, 12 writ petitions, the details of which have been given in the heading, are being decided as all these petitions involve the same question of law on similar facts.

2. Learned counsel for the petitioner(s) submits that the respondents are denying the petitioner(s) the benefit of the pay scale admissible to the cadre



of Classical and Vernacular Teachers, which act on the part of the respondents is arbitrary and illegal.

3. Learned counsel for the petitioner(s) submits that though, at one given point of time, as per the judgment of the Hon'ble Supreme Court of India in **Civil Appeal No.1382 of 1999**, titled **State of Punjab versus Sainder Jeet Kaur**, decided on 18.03.2004 it was held that Sewing teachers and Tabla players and Tailoring teachers are not the part of the cadre of the Classical and Vernacular teachers but, after the said judgment, various acts, including the seniority list and grant of benefits to the certain similarly situated candidates show that, the State itself started recognizing the petitioners as the part of Classical and Vernacular teachers.

4. Learned counsel submits that the petitioner intend to approach the respondent / State by placing before them all the record to show that for all intent and purposes, the petitioners are being treated as the part of Classical and Vernacular teachers so as to entitle them the pay scale admissible to the said cadre and the respondents be directed to decide the same by passing appropriate speaking order on all the aspects, which will be raised in the representation.

5. Learned State counsel submits that in case, any such representation is filed by the petitioners, the same will be decided in accordance with law and in case it is found feasible to grant the relief, the same will be granted.

6. At this stage, learned counsel for the petitioner(s) submits that benefit granted to some of the teachers, is being withdrawn and recoveries are being made from their salaries.

7. Learned counsel for the petitioner submits that the claim of the petitioners is that no recovery can be done as there was no misrepresentation on the part of the petitioners. Reliance is being place upon the judgment of the

Hon’ble Supreme Court of India in Civil Appeal No.7115 of 2010, titled as **Thomas Daniel v. State of Kerala, decided on 02.05.2022.**

8. The learned counsel for the respondents submits that the above-mentioned judgment will also be taken into account to record a finding, whether any recovery can be done from the petitioners who were given pay scale inadvertently, which was withdrawn from them.
9. Present petitions are disposed of in the above stated terms.
10. Pending application, if any, shall also stand disposed in terms of above.
11. A photocopy of the order be placed on the files of aforementioned connected petition.

23.09.2024
mamta

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No