



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(222)

CWP-29316-2017 (O&M)

Date of Decision : 10.09.2024

Jasveer Singh

...Petitioner

Versus

Director Education Department Colleges, Punjab, Chandigarh and
others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioner.

Mr. Arun Gupta, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that the petitioner is entitled for the minimum of the pay scale as per the judgment of the Hon'ble Supreme Court of India in ***Civil Appeal No. 213 of 2013*** titled as ***State of Punjab and others vs. Jagjit Singh and others***, decided on 26.10.2016.

2. Learned counsel for the respondents, on the other hand, submits that the petitioner is not the employee of the State Government and was appointed by the Parent Teacher Association and is being paid out of the said fund and not by the Government, hence, the judgment of the Hon'ble Supreme Court of India in ***Jagjit Singh and others (supra)***, will not be applicable upon the petitioner.



3. I have gone through the record with the assistance of the learned State counsel as no one has come present to appear for the petitioner.

4. The petitioner is not the employee of the State Government and has been appointed out of the Parent Teacher Association Fund. Once, the petitioner has been appointed on the Parent Teacher Association Fund and the employer is not the Government, claiming the minimum of the pay scale by the petitioner as being given to the regular employees working with the Government Institution, is not covered by the decision in ***Jagjit Singh and other (supra)***. The judgment in ***Jagjit Singh and other (supra)*** is only applicable qua the Government where the Government is filling the same post by regular selection also and is keeping the employees on ad-hoc basis on the same post and under these circumstances, the benefit of the minimum of the pay scale was allowed.

5. Once, it is a conceded position that there is no master and servant relationship between the petitioner and the petitioner is the employee of the Parent Teacher Association Fund, even the writ petition will not be admissible as, the Parent Teacher Association Fund is not amenable to the writ jurisdiction of the present Court.

6. Further, in case the Parent Teacher Association is directed to give minimum of the pay scale, it will amount to that the students will not only pay their fees to their Colleges but will also pay the salary of the teachers out of their own pocket. The students cannot be directed to pay the same so as to claim under the judgment in ***Jagjit Singh and other (supra)***. The interpretation being sought to be given to ***Jagjit Singh and other (supra)*** that the same will be applicable under all circumstances to any kind of



appointment is not made out from the judgment in *Jagjit Singh and other (supra)*, hence, the claim of the petitioner who is working under the Parent Teacher Association for the grant of the minimum of the pay scale as admissible to a regular Government employee cannot be accepted.

7. Further, the claim of the petitioner for the grant of regularization cannot be entertained as there is no master and servant relationship between the petitioner and the Government. No document has been placed on record that the petitioner is covered by any of the Instructions issued by the Government of Punjab for regularization of its employees to be applicable upon the petitioner.

8. In the absence of any such Instructions, the petitioner who is working under the Parent Teacher Association and is being paid by the said authority, the benefit of regularization cannot be claimed.

9. No ground is made out for any interference by this Court in the present petition.

10. Dismissed.

11. Pending miscellaneous application, if any, also stands disposed of.

September 10, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No