



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

239

CWP-24511-2019

Date of decision: 20.02.2025

Anita Cheema

...Petitioner

Versus

Punjab School Education Board and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

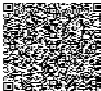
Present : Mr. D.S. Rawat, Advocate for the petitioner.

Mr. Anupam Singla, Advocate for respondent No.1.

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in the present petition is for quashing of order dated 10.11.2016, Annexure P-4, vide which the pay of the petitioner has been reduced from Rs.42020/- to Rs.40670/- w.e.f. 01.01.2015.
2. Learned counsel for respondent No.1 refers to paras 7 and 8 of the written statement dated 05.12.2023, to which there is no rebuttal by filing any replication, which reads thus:-

“That it is also pertinent to mention here that while disposing of CWP No. 10627 of 2014 filed by the petitioner along with others, the Hon'ble Court had issued directions to decide the claim of the petitioner as raised in the writ petition and no directions were issued for affording any opportunity of hearing to the petitioner before passing of any such order. Even otherwise, when the respondent board had already admitted the claim of the petitioner, therefore, there was no occasion for the respondent board to afford any opportunity of hearing to the petitioner. The order of releasing the benefits of what has been demanded by the petitioner in her legal notice/Writ Petition has been passed on 10.11.2016 (Annexure P-4) prior to the retirement of the petitioner i.e. 30.11.2016 and the petitioner was well aware of the said order passed by the respondent board, whereas, the petitioner has wrongly stated in the writ petition that she was not aware regarding passing of such order by the respondent board. It is very astonishing that petitioner has served in the Board as Deputy Secretary and has even no basic knowledge of her salary. She has represented through legal notice and CWP that her pay be fixed at par with that of her junior of reserve category. Subsequently the Board has approved what had been demanded through CWP and issued speaking orders dated 10-11-2016. In implementing these orders, her pay has been re-fixed at par with her junior. She has been financially benefitted at every stage i.e. as Supdt., as



Assistant Secretary and Deputy Secretary. Here is the chart of what she was getting and what was revised:-

	Before any parity		After pay parity	
Post held	Basic Pay	Date	Basic Pay	Date
After promotion as Superintendent	25050	03-07-2006	25600	03-07-2006
After promotion as Assistant Secretary	31230	14-10-2011	31950	14-10-2011
After promotion as Deputy Secretary	39870	30-10-2024	40670	30-10-2014

From the above table, it is clear that she has never been on disadvantage stage throughout pay parity case. The real cause of reduction of her pay at later stage was that she has opted for two annual increments on her promotion as Assistant Secretary and this option was not viable after her pay parity as the Govt. of Punjab has already issued instructions on this matter that in case of pay parity, the date of increment of the senior employee will remain same as that of his/her junior.

8. That it is pertinent to mention here that even after fixation of pay of the petitioner vide order dated 10.11.2016 (Annexure P-4) no financial loss has been caused to the petitioner as 6th pay commission has been Implemented by Govt. of Punjab and after its implementation, the pay of the petitioner has been re-fixed in revised pay structures. It is clarified from the following chart:-

Salary before parity	Increment	Salary after parity	Increment
31920+7600=39520	01-01-2015	31720+7600=39320	11-12-2015
33110+7600=40710	01-01-2016	32900+7600=40500	01-01-2016

From the above table, it is clear that the petitioner's Basic pay was 39520 (Before Pay parity) & 39320 (After Pay Parity) on 31-12-2015. Further it is pertinent to mention here that the State of Punjab has implemented 6th pay commission w.e.f 01.01.2016 (payable from 01-07-2021), following which the pay of the petitioner was revised and re-fixed. It is further submitted that after the fixation of pay of the petitioner in terms of the recommendations of the 6th pay commission, the minimum basic pay for which the petitioner was entitled to as on 01.01.2016 is 1,02,800/- on the basis of which the pension of the petitioner has been fixed.

That in case the basic salary of the petitioner be calculated on the basis of the salary to be drawn by the petitioner prior to giving her



parity, the same would come to 1,02,356/- (39520 x 2.59) and in case the basic salary of the petitioner be calculated on the basis of the salary to be drawn by the petitioner after giving her parity, then the same would come to 1,01,838/- (39320 x 2.59). Whereas, the minimum basis pay admissible to the petitioner comes to 1,02,800/- after pay revision, which in any case higher than 1,02,356/ or 1,01,838/-, as the case may be. Hence there is no financial loss caused to the petitioner and there will not be any effect on the pensionary benefits of the petitioner even if the order dated 10.11.2016 (Annexure P-4) be not implemented.”

3. Learned counsel, on instructions from the petitioner, submits that the order dated 10.11.2016, Annexure P-4 be not implemented in view of the stand taken in the written statement and the matter may be disposed of as such.

4. Learned counsel for respondent No.1 states that he has no objection to the aforesaid, however, petitioner shall be responsible for any consequences arising therefrom, to which learned counsel for the petitioner, on instructions, conveys his agreement.

5. Disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

20.02.2025

Hemant

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No