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Office Time: 10:00 am to 1:00 pm, 4:00pm to 7:00 pm

A consultancy firm to provide help for the problems of govt. employees & retired pensioners

PERFORMA

Pay Protection Of Private Aided Schools

(ENGLISH CAPITAL LETTERS)

Name & Father Name	
Designation	
School	
Date Of Birth	
Aadhar Card No.	
Date Of Regular Joining	
Private Aided School Name & Service Period	
Date Of Retirement	
Mobile Number & Whats App Number	
Email Address	
Residence Address & Distt	
Signature	

Important Points:-

- Send one copy of performa by whatsapp and one by post.
 - Send one copy of Power of Attorney by whatsapp and one by post.
 - Send one copy of Aadhar Card by whatsapp and one by post.

Paytm Payment Mobile Number:- 9915031482
Google Pay Payment Mobile Number:- 9915031482
PhonePe Payment Mobile Number:- 9915031482

State Bank of India Budhlada
Distt. Mansa(Punjab)
Current A/c No.39453963229
In Favour of: Krishana Consultancy
IFSC Code: SBIN0050050
Whatsapp No - 98157-13297

POWER OF ATTORNEY

In the Court of

..... [Plaintiff/Appeallant
Complainant
Petitioner

VERSUS

..... [Defendant
Respondent,
Accused

KNOW ALL to whom these present shall come that I/We undersigned appoint

- for the in the above mentioned case to do all the following acts deeds and things or any of them that is to say :-
1. To act appear and plead in the above mentioned case in the court or any other Court in which the same may be tried or heard in the execution or in any stage of its progress until its final decision.
 2. Present pleading appeals letter patent appeal cross objection or petitions for execution review, revisions withdrawal compromise or other petitions or affidavit or other documents as shall deemed necessary or advisable for the prosecution of the said case in all its stage.
 3. To file and take back documents and to file application for restoration there of in case it is dismissed in default.
 4. To withdraw or compromise the said case or submit for arbitration any difference or disputes that shall arise touching or in any manner relating to the said case.
 5. To deposit draw any receive money and grant receipt there of and to do all other acts and things which may be necessary to be done for the progress and in the case of prosecutions of said case.
 6. To employee and other legal practitioner authorising him to exercise the power and authorities hereby conferred on the advocate whenever he may think fit to do so.

And I/We hereby agree to ratify whatever the Advocate or his substitute shall do in the promises.
And I/We hereby agree not to hold the Advocate or his substitute responsible for the result of said for hearing case in consequence from the court when the said case is called up or for any negligence of the said Advocate or his substitute.
And I/We hereby agree that in the event of whole or any part of fee agreed by me to be paid to the Advocate, remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid if any costs are allowed for an adjournment the advocate would be entitled to the same.

IN WITNESS WHERE OF I/We agree to set my/our hands to the represent the contents of which have been explained to understand by me/us this the
.....day..... 20.....

(Signature or Thumb Impression of client) Accepted :



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Private Aided ਸਕੂਲਾਂ ਦੀ Pay Protect ਕਰਵਾਉਣ ਸੰਬੰਧੀ ।

ਜੋ ਅਧਿਆਪਕ Private Aided ਸਕੂਲਾਂ ਦੀ service ਕਰਕੇ ਸਰਕਾਰੀ ਸਕੂਲ ਵਿੱਚ ਕੰਮ ਕਰਦੇ ਸਨ । ਉਹ Private Aided ਸਕੂਲਾਂ ਦੀ Pay Protect ਕਰਵਾਉਣ ਲਈ ਸੰਪਰਕ ਕਰਨ । ਇਸ ਸੰਬੰਧੀ CWP No. 4629/2012 ਸੁਨੀਲ ਕੁਮਾਰ ਅਤੇ ਹੋਰ ਬਨਾਮ ਪੰਜਾਬ ਸਰਕਾਰ ਦੀ ਰਿੱਟ 29-02-2018 ਨੂੰ Allow ਹੋ ਚੁੱਕੀ ਹੈ ।

**209 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(1) CWP No.4629 of 2012.
Date of Decision: 19.02.2018.

Sunil Kumar Sharma and others

... Petitioners

Versus

State of Punjab and others

... Respondents

(2) CWP No.7518 of 2012.

Santokh Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

(3) CWP No.10442 of 2012.

Narinder Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

(4) CWP No.19266 of 2012.

Santokh Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

(5) CWP No.24778 of 2012.

Hardeep Kumar and others

... Petitioners

Versus

State of Punjab and others

... Respondents

(6) CWP No.11933 of 2013.

Mohinder Singh Randhawa and others

... Petitioners

Versus

State of Punjab and others

... Respondents

(7) CWP No.15774 of 2013.

Anil Kumar and others

... Petitioners

Versus

State of Punjab and others

... Respondents

(8)

CWP No.25274 of 2015.

Ved Parkash and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. R.K. Arora, Advocate for the petitioner(s)
(in CWP No.4629, 7518, 10442 of 2012 and
11933 of 2013).

Ms. Alka Chatrath, Advocate for the petitioner(s)
(in CWP No.19266 of 2012 & 15774 of 2013)

Mr. R.S. Dadwal, Advocate, for the petitioner(s)
(in CWP No. 24778 of 2012).

Mr. S.K. Rattan, Advocate for the petitioner(s)
(in CWP No.25274 of 2015).

Ms. Sudeepti Sharma, Addl. AG, Punjab.

JITENDRA CHAUHAN.J.

This judgment shall dispose of afore-mentioned eight writ petitions as common questions of law and facts are involved in the same.

Through the instant eight writ petitions, the petitioners have sought direction for grant of benefit of previous service rendered by them in the Govt. Aided Schools towards fixation of their pay on their joining in the Govt. schools in terms of provisions of Rule 4.4 of Punjab Civil Service Rules (for short "the PCS Rules") and as per Govt. Instructions dated 15.11.2000 (Annexure P-2) read with rule 69 of Grant-In-Aid Rules.

It is contended that the petitioners initially joined on

various teaching posts in the Govt. Aided Schools on regular basis. They performed their duties with due diligence and devotion against regular sanctioned and aided posts. They had been drawing their pay fixations in terms of Punjab civil Services Rules in terms of Rule 69 of Grant-in-aid Rule. While working in the Aided Schools, the petitioners also earned annual increments from time to time. In pursuant to the selection of the petitioners in the Govt. Schools, the petitioners were given appointments in Govt. Schools through proper channel. Accordingly, the petitioners joined Govt. service without any break in their service. The particulars of service rendered by the petitioners are mentioned in Annexure P-1.

It is submitted that the grievance of the petitioners is that while fixing their pay in the Govt. schools, increments earned by them while working in the Govt. aided Schools have not been taken into consideration and their pay has been fixed at the initial of the pay scale without protecting their pay which they had already drawn. In this regard, the learned counsel relies upon Rule 4.4. of the PCS Rules and rule 69 of the Grant-in-aid rules.

It is further submitted that the claim of the petitioners for fixation of their pay is also covered by Govt. instructions dated 15.11.2000. (Annexure P-2). The previous service rendered by the petitioners has already been counted for the purpose of qualifying service for pension. The said claim of the petitioners has been considered in light of the judgment of this Court rendered in **CWP**

No.14238 of 1991 decided on 10.3.2010 titled as “Sukhdev Singh vs. State of Punjab”.

On the other hand, the stand of the respondents is that the pay fixation of the employees working under the Govt. aided schools is not fixed in terms of Punjab Civil Service Rules and the instruction dated 15.11.2000 (Annexure P-2) are not applicable in their case because those are applicable in respect of employees of the Govt. Department or a body whether incorporated or not which is wholly or substantially owned by the Government. The pay of the petitioners was fixed as per Rule 7 of the Punjab Privately Managed Recognized School Employees (Security of Service) Act, 1979.

Heard.

The learned counsels have placed reliance on rule 4.4 of the PCS Rules. The same are reproduced as under:-

“4.4 The initial substantive pay of a Government employee who is appointed substantively to a post on a time -scale of pay is regulated as follows:-

(a) If he holds a lien on a permanent post, other than a tenure post, or would hold a lien on such a post, had his lien not be suspended-

(i) When appointment to the new post involves the assumption of duties or responsibilities of greater importance (as interpreted for the purpose of rule 4.13) than those attaching to such permanent post, he will draw as initial pay the stage of time scale next above his substantive pay in respect of old post;

(c) (i) Notwithstanding anything contained in these rules, where a Government employee holding a post in a temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in

the time scale of the higher post shall be fixed at the stage next above his pay drawn by him in the lower post provided it is certified by the Head of the Department in which the Government employee was holding the lower post that he would have continued to officiate in the lower post but for his promotion/appointment to the higher post.”

As per the afore-quoted rule, when appointment of an

employee is made to a new post which involves the assumption of duties or responsibilities of greater importance than those attaching to such permanent post, pay of such appointees is to be fixed at the next stage in a time scale.

Instructions (Annexure P-2) issued by the Government of Punjab clarify that if an employee has held a post in the same or identical time scale in some other department or a body whether incorporated or not which is wholly or substantially owned by the Government, his pay on appointment in the Government service is to be fixed at the same level.

Further Rule 69 of the Grant-in-aid rules provides as under:-

“69 Staff Grants (i) Staff grants shall be at the rate of 95% of the pay paid and shall be admissible on account of teachers holding certificates/diploma/degrees awarded by the Punjab Education Department or University in the state or any other diploma/certificate awarded by another department of the Punjab State or of any other State or University providing the certificate/diploma/degree is recognized by Punjab Govt.”

Pay Fixation of Staff:- *The pay of teaching staff*

working in privately managed aided schools shall be fixed in accordance with Civil Services Rules and

other instructions issued by the Govt. from time to time.

It is to be noticed that all the petitioners were working on the aided posts and were being paid 95% by the State with overall control upon their services. The appointments against the aided posts are made with the approval of the Director. As per Section 4 of the Punjab Privately Managed Recognized School (Security of Service) Act, 1979 (for short "the Act"), no employee shall be dismissed, removed, terminated or reduced either in rank or within a time scale except with the prior approval of the Director. Thus, the posts held by the petitioners were substantially controlled by the Government and therefore, as per Rule 4.4 of the of the PCS Rules, their pay which the petitioners had been already drawing is liable to be protected. Further, as per Section 7 of the Act, while working in the aided schools they were entitled to the scale of pay and dearness allowances equivalent to the employees of the state Government holding corresponding posts. Their claim in this regard is covered by Govt. instructions dated 15.11.2000 (Annexure P-2). The Punjab Civil Service Rules are applicable upon them in respect of their pay fixation as per Rule 69 of the Grant in Aid Rules reproduced above. Hence, as per Rule 4.4 of the PCS Rules and Govt. Instructions dated 15.11.2000 (Annexure P-2), they are entitled to benefits of their previous service rendered by them in the Govt. aided schools towards fixation of their pay in the Govt. Schools with all consequential benefits.

Consequently, all the writ petitions are allowed. The

A photocopy of this order be placed in the file of
other connected case(s).

(JITENDRA CHAUHAN)

JUDGE

Whether reportable : Yes/No