



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

## ਆਪਸ਼ਨ ਬਦਲਣ ਦਾ ਹੱਕ।

ਮਾਨਯੋਗ ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈਕੋਰਟ ਸਿਵਲ ਰਿੱਟ ਪਟੀਸ਼ਨ ਨੰ.18644 ਆਫ 2015 ਗੁਰਮੀਤ ਸਿੰਘ ਅਤੇ ਹੋਰ ਬਨਾਮ ਸਟੇਟ ਆਫ ਪੰਜਾਬ ਹੋਰ ਦੇ ਫੈਸਲੇ 11-3-2016 ਨੂੰ ਹੋਇਆ। ਜਿਸ ਵਿੱਚ ਉਸ ਨੇ ਆਪਸ਼ਨ 1-1-2006 ਤੋਂ 1-11-2006 ਲੈਣ ਲਈ ਕਿਹਾ ਸੀ। The claim in these petitions is for a second opportunity to exercise option by changing the first option from 1st January, 2006 to 1st November, 2006. The change is necessitated because of loss of pay reduction on account of audit objection in the pay fixation of the petitioners w.e.f. 1st January, 2006, which has resulted grant of lesser pay to the petitioners than their juniors in the same cadre. ਜਿਲ੍ਹਾਂ ਸਿੱਖਿਆ ਅਫਸਰ (ਐ.ਸਿ.) ਪਟਿਆਲਾ ਨੇ ਪੱਤਰ ਨੰ. ਅ-1()2016-1821-1825 ਮਿੱਤੀ 01-06-2016 ਅਨੁਸਾਰ ਆਪਸ਼ਨ ਬਦਲਣ ਦੇ ਆਰਡਰ ਜਾਰੀ ਕਰ ਦਿੱਤੇ ਹਨ ।



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**PERFORMA (ENGLISH CAPITAL LETTERS) Writ Regarding Change Of Option**

<b>Name</b>	
<b>Father's Name</b>	
<b>Designation</b>	
<b>Office Name</b>	
<b>Date Of Birth</b>	
<b>Aadhar Card No.</b>	
<b>Date Of Appointment</b>	
<b>Date Of Regular</b>	
<b>Date Of Retirement</b>	
<b>Date Of Old Option</b>	
<b>Date Of New Option Demanded</b>	
<b>Mobile Number</b>	
<b>Whats App Number</b>	
<b>Email Address</b>	
<b>Residence Address</b>	
<b>Signature</b>	

Paytm Payment Mobile Number:- 9915031482

Google Pay Payment Mobile Number:- 9915031482

PhonePe Payment Mobile Number:- 9915031482

1. Send one copy of Power Of Attorney by whatsapp and one by post.
2. Send one copy of performa by whatsapp and one by post.
3. Send one copy of Aadhar Card by whatsapp and one by post.

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



# POWER OF ATTORNEY

In the Court of .....

..... [ Plaintiff/Appellant  
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 :

CWP No.18644 of 2015

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Date of decision: 11.3.2016

CWP No. 18644 of 2015

Gurmit Singh & ors.

... Petitioners

Versus

State of Punjab & ors.

... Respondents

CWP No.25339 of 2015

Sukhdhir Singh Sekhon & ors.

... Petitioners

Versus

The State of Punjab & ors.

... Respondents

CWP No.25378 of 2016

Tej Pal & ors.

... Petitioners

Versus

State of Punjab & ors.

... Respondents

CWP No.3624 of 2016

Balwant Singh & ors.

... Petitioners

Versus

State of Punjab & ors.

... Respondents

**CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: Mr. SK Rattan, Advocate, (in CWP No.18644 of 2015)  
Mr. RK Arora, Advocate,  
(in CWPs No.25339, 25378 of 2015 and 3624 of 2016)  
for the petitioners.

Mr. Vaibhav Sharma, DAG, Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

**RAJIV NARAIN RAINA, J.(Oral)**

1. This order will dispose of above cases bearing CWPs No. 18644, 25339, 25378, 1682 of 2015 and 3624 of 2016 as common questions of law and fact are involved in them which can conveniently be

decided by a common order.

2. The claim in these petitions is for a second opportunity to exercise option by changing the first option from 1<sup>st</sup> January, 2006 to 1<sup>st</sup> November, 2006. The change is necessitated because of loss of pay reduction on account of audit objection in the pay fixation of the petitioners w.e.f. 1<sup>st</sup> January, 2006, which has resulted grant of lesser pay to the petitioners than their juniors in the same cadre. Due to subsequent change in the pay fixation of the petitioners, the basis of option exercised in the first instance has been removed by supervening events. This revives right to make a fresh option. This right has been denied forcing the petitioners to take legal recourse by way of the instant petition.

3. The issue is no longer *res integra* as it has received judicial recognition in the Division Bench judgment of this Court rendered in **Randhir Kaur & others v. State of Haryana & others**, 2003 (2) SCT 240. The principle is proliferated in a Single Bench decision also relied upon by the petitioner delivered in CWP No.7464 of 2010 titled '**Surinder Kumar & others Vs. State of Punjab & others**' on 25<sup>th</sup> February, 2010. In view of the declaration of law, the present petition would eminently be covered by the same principle.

4. However, in the matter of grant of relief, the same will remain restricted in terms of para.10 of *Surinder Kumar's case* the operative passage of which is reproduced as under:

“(10). Consequently, the writ petitions are allowed in part to the extent that while the respondents are directed to permit the petitioners to re-exercise their options in terms of the

Finance Department's Circular dated 24.12.1992 (Annexure P1) within a period of one month from the date of receipt of a certified copy of this order, no resultant arrears of pay shall be paid to them and they shall be entitled to only the notional pay fixation w.e.f. 01.01.1986, 01.01.1996 and 01.01.2006, as the case may be. The petitioners, however, shall be paid emoluments/pension as per the re-fixed pay w.e.f. 01.03.2010 onwards."

5. As a result, the writ petitions are allowed in the same terms and the benefits arising out of change of option will be notional. The respondents are directed to obtain fresh option from the petitioners within a fortnight and process the case within one month thereafter to completion. However, the petitioners shall be paid emoluments/pension as per the re-fixed pay from the date of presentation of these petitions and regularly thereafter.

सत्यमेव जयते

(RAJIV NARAIN RAINA)  
JUDGE

11.3.2016  
monika



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

C.W.P. NO. 7761 OF 2016 -

1. ✓ Didar Singh S/o Sh. Nirmal Singh, ETT Teacher, Govt. Elementary School, Moond Khera, Block Patiala-3, District Patiala.
2. Jagjeev Kaushal S/o Sh. Krishan Dev, ETT Teacher, Govt. Primary School, Khuda, Bhunarheri-2, Patiala, District Patiala.
3. Jaswinder Kaur D/o Sh. Gajjan Singh, ETT Teacher, Govt. Primary School, Kanaheri, Bhunarheri-2, District Patiala.
4. Ravinder Singh S/o Sh. Bhag Singh, ETT Teacher, Govt. Elementary School, NPHC, Patiala-II, District Patiala..
5. ✓ Bikramjit Singh S/o Sh. Manjit Singh, ETT Teacher, Govt. Elementary School, Lang, Block Patiala-3, District Patiala.
6. ✓ Jatinder Kaur D/o Sh. Hardev Singh, ETT Teacher, Govt. Elementary School, Bakshiwala, Block Patiala-3, District Patiala.
7. ✓ Kuldeep Singh S/o Sh. Jora Singh, ETT Teacher, Govt. Elementary School, Ucha Gram, Block Patiala-3, District Patiala.
8. Jaspreet Kaur D/o Sh. Kartar Singh, ETT Teacher, Govt. Elementary School, Mahimudpur Jattan, Block Tunar-2, District Patiala.
9. Anjali D/o Sh. Madan Lal, ETT Teacher, Govt. Primary School, Mandi, Block Bhunarheri-2, District Patiala.
10. Navdeep Kaur D/o Sh. Ajaib Singh Chatha, ETT Teacher, Govt. Primary School, Mandi, Block Tunarhedi-2, District Patiala.
11. Harbhagwan Singh S/o Sh. Surjit Singh, ETT Teacher, Govt. Primary School, Mahimudpur Jattan, Block Bhunarheri-2, District Patiala.



12. Anita Rani D/o Sh. Ishwar Chand, ETT Teacher, Govt. Primary School, Sawal Singh Wala, Block Tunarhedl-2, District Patiala.
13. Naresh Kumari D/o Sh. Ram Prasad, ETT Teacher, Govt. Primary School, Sawal Singh Wala, Block Bhunarheri-2, District Patiala.
14. Tejinder Kaur D/o Sh. Dilbar Singh, ETT Teacher, Govt. Primary School, Khuda, Bhunarheri-2, District Patiala.
15. Janak Dulari D/o Sh. Labh Singh, ETT Teacher, Govt. Elementary School, Maarhu, Block Bhunarheri-2, District Patiala.
16. Dipinder Singh S/o Sh. Hari Krishan, ETT Teacher, Govt. Elementary School, Kharhola, Block Rajpura-2, District Patiala.
17. Jatinder Kumar S/o Shri Chand, ETT Teacher, Govt. Elementary School, Nalas, Rajpura-2, District Patiala.
18. Preeti Verma D/o Sh. Desh Raj Verma, ETT Teacher, Govt. Elementary School, New Power House Colony, Patiala-2, District Patiala.
19. Jyoti D/o Sh. Raghbir Singh, ETT Teacher, Govt. Elementary School, Raghomajra, Patiala-2, District Patiala.
20. Narinder Kaur D/o Sh. Gurbachan Singh, ETT Teacher, Govt. Elementary School, Dharamkot, Bhunarheri-2, District Patiala.
21. Lajia Devi D/o Sh. Durga Dass, ETT Teacher, Govt. Elementary School, Dharamkot, Bhunarheri-2, District Patiala.
22. Manjit Kaur D/o Sh. Kartar Singh, ETT Teacher, Govt. Elementary School, Mainh, Patiala-2, District Patiala.
23. Jaspreet Kaur D/o Sh. Jagjit Singh, ETT Teacher, Govt. Elementary School, Chaura, Block Patiala-1, District Patiala.
24. Mahinderpal Singh S/o Sh. Gurcharan Singh, ETT Teacher, Govt. Primary School, Hiragarh, Block Bhunarheri-2, District Patiala.



3

25. Neeru Verma D/o Sh. Kesho. Kishore Verma, ETT Teacher, Govt. Sr. Secondary School, Mohinderganj, Rajpura, District Patiala.
26. Vikram S/o Shri Chand, ETT Teacher, Govt. Elementary School, Banwarl, Block Rajpura, District Patiala.

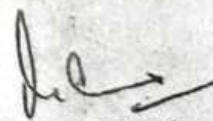
..... Petitioners

Versus

1. State of Punjab through the Secretary to Government, Department of Education, Punjab Civil Secretariat-II, Sector 9, Chandigarh.
2. The Director of Public Instructions (E.E.), Punjab, Punjab Education Complex, 6<sup>th</sup> Floor, Phase-VIII, Mohali.
3. The District Education Officer (E.E.), Patiala

..... Respondents

PLACE: CHANDIGARH  
DATED: 24.04.2016

  
(R.K. ARORA)  
ADVOCATE  
COUNSEL FOR THE PETITIONERS

Petition under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of Certiorari/Mandamus or such other appropriate writ, order or directions quashing the impugned memo dated 17.11.2015 (P-12), whereby, claim for allowing them to change/revise option for grant of revised pay scale w.e.f. 01.11.2006 instead of their previous option has been declined, as patently illegal, arbitrary, malafide and unconstitutional and contrary to the settled law that in the change circumstances when pay of the employee is refixed/revised either on the basis of the subsequent decision taken by the Department or on the basis of any court decision, an employee can revise his earlier option for the grant of revised pay scale;

AND further directing the respondents to allow the petitioners to change their option for the grant of Revised Pay Scales w.e.f. 1.11.2006 instead of their earlier option w.e.f. 1.1.2006 or from any other date in terms of the Punjab Civil Services (Revised Pay Scales) Rules, 2009 in the changed circumstances, when the respondents have refixed the pay of the petitioners on account of audit objections due to which the petitioners are made to suffer financial loss and created anomaly in the pay because their juniors who exercised their



option w.e.f. 1.11.2006 has now started getting more pay;

AND still further restraining the respondents from effecting the recovery of the amounts already paid to the petitioners on account of their alleged wrong pay fixation as per audit objection and to refund the amount of recovery, if already made, to the petitioners;

AND/or such other appropriate writ, order or directions as this Hon'ble Court may deem fit in the facts and circumstances of the instant case.

**RESPECTFULLY SHOWETH:**

1. That the petitioners are citizens of India and are competent to invoke the extraordinary writ jurisdiction of this Hon'ble Court under Articles 226/227 of the Constitution of India.
2. That the petitioners were initially appointed as ETT Teachers in the Punjab Education Department during the year 2001-02. They are continuously performing their duties with due diligence and devotion to the entire satisfaction of their superiors. The service particulars of the petitioners i.e. names, designation, date of appointment, date of their previous option and revised option sought by them are given in the proforma which is being annexed herewith as Annexure P-1.



CWP No.7761 of 2016

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Date of decision: 27.04.2016

CWP No.7761 of 2016

Didar Singh & others

—Petitioners

Vs.

State of Punjab & others

—Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: Mr. R.K.Arora, Advocate, for the petitioners.

1. *To be referred to the Reporters or not?*
2. *Whether the judgment should be reported in the Digest?*

**RAJIV NARAIN RAINA, J. (ORAL)**

The prayer in this petition is identical to a bunch of four cases with CWP No.18644 of 2015; Gurmit Singh and others v. State of Punjab and others decided on 11.03.2016 by this Court. Those petitions have been allowed without saddling the respondent department with arrears arising out of re-fixation of pay/emoluments, by permitting those employees who want to change their option to their advantage w.e.f. 01.01.2006 to 01.11.2006. The earlier option exercised by the petitioners has led to an anomaly where persons junior to the petitioners are in receipt of higher pay. Even when Gurmit Singh's case was decided, the dispute was no longer *res integra* and was covered by the decision of the Division Bench of this Court rendered in Randhir Kaur & others Vs. State of Haryana & others; 2003 (2) SCT 240 and a Single Bench

CWP No. 7761 of 2016

decision of this Court in CWP No.7464 of 2009; Surinder Kumar & others Vs. State of Punjab & others, decided on 25.2.2010.

Since the matter is squarely covered on all fours by judicial precedents, it would not be necessary to obtain view of the Government on an already decided issue.

Be that as it may, let notice of motion issue.

On the asking of this Court, Mr.Nikhil K. Chopra, Additional Advocate General, Punjab appears for the State of Punjab, accepts notice on behalf of the State and waives service on them. Mr.Arora has handed over a set of the paper-book to Mr.Chopra in Court. Mr.Chopra has gone through the decision in Gurmit Singh's case and read the prayers in this petition which match. As a result, this petition is allowed in the same terms as Gurmit Singh's case.

27.04.2016  
Vimal

[RAJIV NARAIN RAINA]  
JUDGE



ਜ਼ਿਲ੍ਹਾ ਸਿੱਖਿਆ ਅਫ਼ਸਰ (ਐ. ਸਿ), ਪਟਿਆਲਾ

ਵੱਲ,

ਬੀ. ਪੀ. ਈ. ਓ/

ਪਟਿਆਲਾ-3, ਭੁਨਰਹੋੜੀ-2, ਰਾਜਪੁਰਾ-2, ਪਟਿਆਲਾ-1, ਪਟਿਆਲਾ

ਪੱਤਰ ਨੰ: ਅ-1( )/2016 - 1821-1825  
ਮਿਤੀ: 1.6.16

ਵਿਸ਼ਾ:-

**Request for Compliance of Order Dated 27-04-2016 Passed in  
CWP No. 7761 of 2016**

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਵੱਲ ਆਪ ਦਾ ਧਿਆਨ ਦਿਵਾਉਂਦੇ ਹੋਏ ਹਦਾਇਤ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਮਾਨਯੋਗ ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈ ਕੋਰਟ ਵੱਲੋਂ CWP No. 7761 of 2016 ਵਿੱਚ ਇਹ ਹੁਕਮ ਦਿੱਤੇ ਹਨ ਕਿ ਵਿੱਤ ਵਿਭਾਗ ਦੇ ਪੱਤਰ ਮਿਤੀ 24-12-1992 ਰਾਹੀਂ ਪਟੀਸ਼ਨ ਵਿੱਚ ਦਰਜ ਪਟੀਸ਼ਨਰ ਅਥੱਣੀ ਆਪਸ਼ਨ Re exercise ਕਰਨ ਦੇ ਹੱਕਦਾਰ ਹਨ ਅਤੇ ਉਹਨਾਂ ਦੀ ਤਨਖਾਹ 01-01-1986, 01-01-1996 ਅਤੇ 01-01-2006 ਤੋਂ ਫਿਕਸ ਕੀਤੀ ਜਾਵੇ, ਜਿਹੇ ਕਿ ਕਰਮਚਾਰੀ ਹੱਕ ਰੱਖਦਾ ਹੋਵੇ। ਆਪ ਨੂੰ ਇਹ ਵੀ ਹਦਾਇਤ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਪਟੀਸ਼ਨ ਵਿੱਚ ਦਰਜ ਪਟੀਸ਼ਨਰ ਨੂੰ ਬਣਦੀ ਪੈਨਸ਼ਨ/ਤਨਖਾਹ ਅਤੇ ਭੱਤੇ ਦੁਬਾਰਾ ਫਿਕਸ ਕਰਨ ਮਗਰੋਂ 01-03-2016 ਤੋਂ ਦੇਣੇ ਯਕੀਨੀ ਬਣਾਏ ਜਾਣ।

ਇੱਥੇ ਆਪ ਨੂੰ ਇਹ ਵੀ ਹਦਾਇਤ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਪਟੀਸ਼ਨ ਵਿੱਚ ਦਰਜ ਪਟੀਸ਼ਨਰ ਤੋਂ ਜੂਨੀਅਰ ਕੰਮ ਕਰਦੇ ਅਧਿਆਪਕ ਅਤੇ ਇਹਨਾਂ ਦੇ ਬੈਚ ਦੇ ਹੋਰ ਅਧਿਆਪਕਾਂ ਦੇ ਬਰਾਬਰ ਇਹਨਾਂ ਦੀ ਘੱਟੋ-ਘੱਟ ਤਨਖਾਹ Refix ਕੀਤੀ ਜਾਣੀ ਯਕੀਨੀ ਬਣਾਈ ਜਾਵੇ।

ਆਪ ਨੂੰ ਮਾਨਯੋਗ ਅਦਾਲਤ ਦੇ ਹੁਕਮਾਂ ਦੀ ਕਾਪੀ ਭੇਜਦੇ ਹੋਏ ਹਦਾਇਤ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਪਟੀਸ਼ਨ ਵਿੱਚ ਦਰਜ ਸਾਰੇ ਪਟੀਸ਼ਨਰ ਨੂੰ ਬਣਦਾ ਲਾਭ ਦੇਣ ਮਗਰੋਂ 15 ਦਿਨਾਂ ਦੇ ਵਿੱਚ-ਵਿੱਚ ਇਸ ਦਫ਼ਤਰ ਨੂੰ Compliance Report ਭੇਜੀ ਜਾਵੇ।

ਜ਼ਿਲ੍ਹਾ ਸਿੱਖਿਆ ਅਫ਼ਸਰ (ਐ. ਸਿ),  
ਪਟਿਆਲਾ।