



Dr. Krishan Lal

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

40 ਸਾਲਾਂ ਬਾਅਦ 19-02-1979 ਤੋਂ ਬਾਅਦ ਐਮ.ਏ. ਪਾਸ ਹਿੰਦੀ / ਪੰਜਾਬੀ ਅਤੇ ਡਰਾਇੰਗ ਅਧਿਆਪਕਾਂ ਨੂੰ ਦੇ ਜਾਂ ਤਿੰਨ ਇੰਕਰੀਮੈਂਟ ਦੇਣ ਲਈ ਡੀ.ਪੀ.ਆਈ (ਸੈ.ਸਿ) ਵਲੋਂ ਸਪੀਕਿੰਗ ਆਰਡਰ ਜਾਰੀ ।

ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈ ਕੋਰਟ ਦੇ CWP No. 1468/1994 ਗੁਰਪ੍ਰੀਤਪਾਲ ਸਿੰਘ ਅਤੇ ਹੋਰ ਬਨਾਮ ਸਟੇਟ ਆਫ ਪੰਜਾਬ ਦੇ ਫੈਸਲੇ 02/02/1995 ਅਨੁਸਾਰ 19-02-1979 ਤੋਂ ਬਾਅਦ ਐਮ.ਏ. ਪਾਸ ਹਿੰਦੀ / ਪੰਜਾਬੀ ਅਤੇ ਡਰਾਇੰਗ ਅਧਿਆਪਕਾਂ ਨੂੰ ਦੇ ਜਾਂ ਤਿੰਨ ਇੰਕਰੀਮੈਂਟ ਮਿਲ ਸਕਦੇ ਹਨ । ਇਸ ਵਿਰੁੱਧ ਪੰਜਾਬ ਸਰਕਾਰ ਦੁਆਰਾ ਸੁਪਰੀਮ ਕੋਰਟ ਵਿੱਚ ਪਾਈ ਸਿਵਲ ਅਪੀਲ ਨੰ. 8295-98 ਆਫ 1995 ਮਿਤੀ 30-04-2003 ਨੂੰ ਰੱਦ ਹੋ ਚੁੱਕੀ ਹੈ । ਇਸ ਫੈਸਲੇ ਨੂੰ ਲਾਗੂ ਕਰਵਾਉਣ ਲਈ 2012 ਵਿੱਚ Eleven Execution Applications ਪਾਈਆ ਗਈਆ । ਜਿਸ ਵਿੱਚ ਮਾਨਯੋਗ ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈਕੋਰਟ ਦੇ ਜੱਜ ਨੇ 26-2-2018 ਨੂੰ ਸਾਰੀਆ Execution Applications Allow ਕਰ ਦਿੱਤੀਆ ਅਤੇ ਕਿਹਾ ਕਿ CWP No. 1468 Of 1994 'ਚ ਦਾਇਰ ਰਿੱਟ ਦੇ ਫੈਸਲੇ 02-02-1995 ਨੂੰ ਲਾਗੂ ਕੀਤਾ ਜਾਵੇ । Execution Applications ਨੂੰ ਲਾਗੂ ਕਰਵਾਉਣ ਲਈ COCP No. 4811 Of 2018 ਜ਼ਕਦੇਵ ਸਿੰਘ ਬਨਾਮ ਕ੍ਰਿਸ਼ਨ ਕੁਮਾਰ ਅਤੇ ਹੋਰ ਦਾ ਫੈਸਲਾ 28-11-2019 ਨੂੰ ਹੋਇਆ । ਇਸ ਫੈਸਲੇ ਨਾਲ Attach COCP No. 4836 ਤੋਂ 4840 ਅਤੇ 5065 ਤੋਂ 5069 ਆਫ 2018 ਦਾ ਫੈਸਲਾ ਵੀ ਹੋ ਗਿਆ । ਇਸ ਫੈਸਲੇ ਨੂੰ ਲਾਗੂ ਕਰਨ ਲਈ ਡੀ.ਪੀ.ਆਈ. (ਸੈ.ਸਿ) ਪੰਜਾਬ (ਮੋਹਾਲੀ) ਨੇ 28-11-2019 ਨੂੰ Affidavit ਕੋਰਟ ਵਿੱਚ ਦਾਖਲ ਕੀਤਾ । ਵਿਸ਼ਾ ਅੰਕਿਤ ਰਿੱਟ ਵਿੱਚ ਹੋਏ ਫੈਸਲੇ ਦੇ ਪਾਲਣਾ ਵਿੱਚ ਡਾਇਰੈਕਟਰ ਸਿੱਖਿਆ ਵਿਭਾਗ (ਸੈ.ਸਿ) ਪੰਜਾਬ ਐਸ.ਏ.ਐਸ. ਨਗਰ ਮੋਹਾਲੀ ਵਲੋਂ ਪੱਤਰ ਨੰ: 12/18-19E-5(1) and Endosment No. Even/2019 402593.2019402596 ਮਿਤੀ ਐਸ.ਏ.ਐਸ ਨਗਰ 27-10-2019 ਨੂੰ 47 ਪਟੀਸ਼ਨਰਾਂ ਦੇ ਮੂੰਹ ਬੋਲਦੇ ਹੁਕਮ ਜਾਰੀ ਕਰ ਦਿੱਤੇ ਹਨ ਜਿਨ੍ਹਾਂ ਵਿੱਚ 7 ਪੰਜਾਬੀ ਟੀਚਰ, 4 ਹਿੰਦੀ ਟੀਚਰ ਅਤੇ 1 ਡਰਾਇੰਗ ਟੀਚਰ ਹੈ । ਉਪਰੋਕਤ 5 ਸਾਲ ਬਾਅਦ ਪਾਈਆ Execution Applications ਵਿਰੁਧ Limitation ਦੇ ਅਧਾਰ ਤੇ SLP (Civil) Dairy No. 37753/2019 State of Punjab V/S Mahesh Chander ਰਿੱਟ ਪਾਈ ਹੈ । ਜਿਸ ਦੇ ਆਰਡਰ 02-12-2019 ਨੂੰ ਕਰ ਦਿੱਤੇ ਹਨ । ਇਹ Case Tentatively 07.02.2020 ਨੂੰ ਲਿਸਟ ਹੋ ਸਕਦਾ ਹੈ । ਇਸ ਫੈਸਲੇ ਅਨੁਸਾਰ ਜੋ ਅਧਿਆਪਕ 19-02-1979 ਤੋਂ ਪਹਿਲਾ ਅਤੇ ਇਸ ਤੋਂ ਬਾਅਦ ਹਿੰਦੀ / ਪੰਜਾਬੀ / ਡਰਾਇੰਗ / ਪੀ.ਟੀ.ਆਈ / ਸਿਲਾਈ ਟੀਚਰ / ਈ.ਟੀ.ਟੀ ਅਤੇ ਹੋਰ ਅਜਿਹੇ ਅਧਿਆਪਕ ਆਏ ਹਨ ਉਹ ਪੋਸਟ ਗਰੇਜੂਏਸ਼ਨ (M.A., M.Sc., And M.Ed.) ਪਹਿਲੇ ਅਤੇ ਦੂਜੇ ਦਰਜੇ ਵਿੱਚ ਪਾਸ ਕਰਨ ਤੇ 3 ਵਾਧੂ ਤਰੱਕੀਆ ਅਤੇ ਤੀਜੇ ਦਰਜੇ ਵਿੱਚ ਪਾਸ ਕਰਨ ਵਾਲੇ ਦੋ ਤਰੱਕੀਆ ਦੇ ਹੱਕਦਾਰ ਪੰਜਾਬ ਸਰਕਾਰ ਵਿੱਚ ਵਿਭਾਗ ਦੇ ਪੱਤਰ ਨੰ. 5038-FR-II/57/5600 ਮਿਤੀ 23-07-1957 ਅਨੁਸਾਰ ਲੈ ਸਕਣਗੇ ਕਿਉਂਕਿ ਉਪਰੋਕਤ ਫੈਸਲੇ ਵਿੱਚ ਪੰਜਾਬ ਸਰਕਾਰ ਦੀਆ ਉਹ Instructions Quash ਕਰ ਦਿੱਤੀਆ ਹਨ ਜੋ 19-02-1979 ਅਤੇ 20-09-1979 ਨੂੰ ਜਾਰੀਆ ਕੀਤੀਆ ਸਨ । ਜਿਨ੍ਹਾਂ ਸਿੱਖਿਆ ਅਫਸਰ (ਸੈਕੰਡਰੀ) ਮਾਨਸਾ ਨੇ CWP No. 4097/1988 ਤਰਨ ਸਿੰਘ ਬਨਾਮ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਫੈਸਲੇ 12-12-1991 ਅਤੇ COCP No. 1179/1992 ਅਨੁਸਾਰ ਜੇ.ਬੀ.ਟੀ. ਅਧਿਆਪਕਾਂ ਨੂੰ ਐਮ.ਏ. ਪਹਿਲੇ ਅਤੇ ਦੂਜੇ ਦਰਜੇ ਵਿੱਚ ਪਾਸ ਕਰਨ ਤੇ 3 ਵਾਧੂ ਤਰੱਕੀਆ ਅਤੇ ਤੀਜੇ ਦਰਜੇ ਵਿੱਚ ਪਾਸ ਕਰਨ ਵਾਲੇ ਨੂੰ ਦੋ ਤਰੱਕੀਆ ਦਾ ਲਾਭ ਹੁਕਮ ਨੰ. E-I/courtcase/93-753 ਮਿਤੀ 12-02-1997 ਅਨੁਸਾਰ ਦਿੱਤਾ ਗਿਆ ਹੈ । ਇਹ ਲਾਭ ਕੇਵਲ ਇਕ ਵਾਰ ਹੀ ਦਿੱਤਾ ਜਾਵੇਗਾ ਨਾ ਕੇ ਹੋਰ ਐਮ.ਏ. ਕਾਰਨ ਉਪਰੰਤ ਵੀ । ਇਨ੍ਹਾਂ ਦੀ ਤਰੱਕੀ ਦੀ ਮਿਤੀ ਵਿੱਚ ਵੀ ਕੋਈ ਤਬਦੀਲੀ ਨਹੀ ਆਵੇਗੀ । ਜਿਨ੍ਹਾਂ ਨੇ ਪੋਸਟ ਗਰੇਜੂਏਸ਼ਨ ਨੌਕਰੀ ਵਿੱਚ ਆਉਣ ਤੋਂ ਪਹਿਲਾ ਪਾਸ ਕੀਤੀ ਉਹ ਨੌਕਰੀ 'ਚ ਆਉਣ ਦੀ ਮਿਤੀ ਤੋਂ ਇਨ੍ਹਾਂ ਤਰੱਕੀਆ ਦੇ ਹੱਕਦਾਰ ਹੋਣਗੇ । ਨੌਕਰੀ 'ਚ ਆਉਣ ਤੋਂ ਬਾਅਦ ਪੋਸਟ ਗਰੇਜੂਏਸ਼ਨ ਕਰਨ ਵਾਲੇ ਪਾਸ ਕਰਨ ਦੀ ਮਿਤੀ ਤੋਂ ਇਸ ਦੇ ਹੱਕਦਾਰ ਹੋਣਗੇ । ਵਰਣਨਯੋਗ ਹੈ ਕਿ ਪੰਜਾਬ ਸਿੱਖਿਆ ਵਿਭਾਗ ਨੇ 23 ਜੁਲਾਈ 1957 ਦੇ ਹੁਕਮ ਮੁਤਾਬਕ ਅਧਿਆਪਕਾਂ ਨੂੰ ਉਨ੍ਹਾਂ ਦੀ ਯੋਗਤਾ ਦੇ ਅਧਾਰ ਤੇ ਸਕੋਲ ਦੇਣ ਦੇ ਹੁਕਮ ਦਿੱਤੇ ਹਨ । ਐਮ. ਏ. ਪਾਸ ਅਧਿਆਪਕਾਂ ਨੂੰ ਦੇ ਜਾਂ ਤਿੰਨ ਐਡਵਾਂਸ ਇੰਕਰੀਮੈਂਟ ਦੇਣ ਦੇ ਹੁਕਮ ਦਿੱਤੇ ਸਨ । ਉਸ ਸਮੇਂ ਅਧਿਆਪਕਾਂ ਨੂੰ ਆਪਣੀ ਯੋਗਤਾ ਵਧਾਉਣ ਲਈ ਉਤਸਾਹਿਤ ਕਰਨ ਦੇ ਲਈ ਸਿੱਖਿਆ ਵਿਭਾਗ ਨੇ ਪੋਸਟ ਨਹੀ ਸਗੋ ਯੋਗਤਾ ਦੇ ਅਧਾਰ ਤੇ ਪੇ ਸਕੋਲ ਜਾਂ ਇੰਕਰੀਮੈਂਟ ਦੇਣ ਦੇ ਹੁਕਮ ਦਿੱਤੇ ਸਨ । ਇਸ ਹੁਕਮ ਦੇ ਮੁਤਾਬਕ ਪੰਜਾਬ ਸਿੱਖਿਆ ਵਿਭਾਗ ਦੇ ਹਜ਼ਾਰਾਂ ਅਧਿਆਪਕਾਂ ਨੇ ਲਾਭ ਲਿਆ, ਪਰ 19 ਫਰਵਰੀ 1979 ਨੂੰ ਪੰਜਾਬ ਸਿੱਖਿਆ ਵਿਭਾਗ ਨੇ 23-07-1957 ਵਾਲਾ ਪੱਤਰ ਵਾਪਸ ਲੈ ਲਿਆ । ਇਸ ਨਾਲ 19-02-1979 ਤੋਂ ਬਾਅਦ ਨਿਯੁਕਤ ਹੋਏ ਅਤੇ ਯੋਗਤਾ ਵਧਾਉਣ ਵਾਲੇ ਅਧਿਆਪਕਾਂ ਲਈ ਇਕ ਲਛਮਨ ਰੇਖਾ ਰੁਕਾਵਟ ਦੇ ਰੂਪ 'ਚ ਪੈਦਾ ਹੋ ਗਈ । ਇਸ ਪੱਤਰ ਨੂੰ CWP No. 1468/1994 ਗੁਰਪ੍ਰੀਤਪਾਲ ਸਿੰਘ ਅਤੇ ਹੋਰ ਬਨਾਮ ਸਟੇਟ ਆਫ ਪੰਜਾਬ ਦੇ ਫੈਸਲੇ 02/02/1995 ਅਨੁਸਾਰ ਰੱਦ ਕਰ ਦਿੱਤਾ ਹੈ । ਉਪਰੋਕਤ ਫੈਸਲੇ ਅਨੁਸਾਰ ਜਿਨ੍ਹਾਂ ਜੇ.ਬੀ.ਟੀ. ਅਧਿਆਪਕਾਂ ਨੇ 19-02-1979 ਤੋਂ ਬਾਅਦ ਗਿਆਨੀ/ਪ੍ਰਭਾਕਰ ਕੀਤੀ ਹੋਈ ਹੈ ਉਹ ਗਿਆਨੀ/ਪ੍ਰਭਾਕਰ ਦਾ ਸਕੋਲ ਲੈ ਸਕਦੇ ਹਨ । ਬੀ.ਏ. ਪਾਰਟ-1 / ਐਫ.ਏ. ਪਾਸ ਕਰਨ ਵਾਲੇ ਜੇ.ਬੀ.ਟੀ. ਅਧਿਆਪਕ ਜੇ.ਐਸ.ਟੀ. ਦਾ ਸਕੋਲ 01-01-1978 ਤੋਂ 660 ਰੁਪਏ ਲੈ ਸਕਦੇ ਹਨ ।

**Dr. Krishan Lal**

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Writ Regarding M.A. Increment appointed After 19-02-1979

Name	
Father's Name	
Designation	
School / Office Name	
School/Office Email Address (If Any)	
Date Of Birth	
Aadhar Card No.	
Date Of Appointment as E.T.T./P.T.I./Drawing/Hindi/ Punjabi and Sewing Teacher etc.	
Date Of Regular	
Date Of Retirement	
Subject and Date Of Passing M.A./M.Sc./M.Com./M.Ed.,	
Mobile Number	
Whats App Number	
Email Address	
Residence Address	
Signature	

Important Points:-

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

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IFSC Code: SBIN0050050
Whatsapp No - 98157-13297

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 :

ਮੇਰਾ ਵਿਸ਼ੇ

ਸ਼੍ਰੀਮਤੀ/ਸ਼੍ਰੀਮ ਮਹਿਲਾ/ਸ਼੍ਰੀ
ਨਾਲ ਨਹੀਂ ਲਿਖਣ ਵਿੱਚ ਕੋਈ ਸ਼ਕਤੀ ਮੁਹੱਈਆ ਨੂੰ

ਪੱਤਰ ਨੰ: ਅ-4/1(2019) 2. v 17 4 034 71-7 2-
ਤਿਥੀ: 27/10/19

ਵਿਸ਼ਾ:- ਵਿਦਲ ਵਿੱਟ ਪਟੀਸ਼ਨ ਨੰ: 1468 ਆਰ 1994 ਸੁੰ ਫੁਲਪੁਰ ਪਾਲ ਸਿੰਘ ਬਨਾਮ ਪੰਜਾਬ
ਸਰਕਾਰ ਅਤੇ ਹੋਰ ਬਨਾਮ ਪੰਜਾਬ ਸਰਕਾਰ।

ਹਵਾਲਾ:- ਡਾਇਰੈਕਟਰ ਸਿੱਖਿਆ ਵਿਭਾਗ (ਸੈ.ਸਿ) ਵਿਭਾਗ ਦੇ ਹੁਕਮ ਨੰ: 12/18-19 E-5(1)
and Endosment No Even/2019 402593.2019402596 Dated SAS Nagar
27.10.2019.

ਵਿਸ਼ਾ ਅੰਤਿਮ ਵਿੱਟ ਵਿੱਚ ਹੋਏ ਫੈਸਲੇ ਦੇ ਪਾਲਣਾ ਵਿੱਚ ਡਾਇਰੈਕਟਰ ਸਿੱਖਿਆ ਵਿਭਾਗ (ਸੈ.ਸਿ)

ਪੰਜਾਬ ਐਸ.ਏ.ਐਸ ਨਗਰ (ਮੋਹਾਲੀ) ਵੱਲੋਂ ਟਵਾਣਾ ਅਧੀਨ ਪੱਤਰ ਛਾਪੀ ਮੂੰਹ ਛੋਲਦੇ ਹੁਕਮ ਜਾਰੀ ਕੀਤੇ ਗਏ ਹਨ। ਜੋ
ਕਾਪੀ ਇਸ ਪੱਤਰ ਨਾਲ ਨਹੀਂ ਕਰਕੇ ਅਭਿਲੇਖੀ ਛਾਪਦਾਰੀ ਹਿੱਸ ਵਿੱਚ ਹਿੱਸਿਆ ਜਾਂਦਾ ਹੈ, ਕਿ ਵਿਭਾਗ ਦੇ ਹੁਕਮਾਂ ਦੀ
ਪਾਲਣਾ ਵਿੱਚ ਨਾਲ ਨਹੀਂ ਲਿਖਣ ਵਿੱਚ ਸ਼ਾਮਲ ਪਟੀਸ਼ਨਦਾਰ ਦੀ ਤਨਖਾਹ ਰੋਕਿਕਸ ਕਰਕੇ ਸਹੀ ਯੋਗ ਛਾਪਦਾਰੀ ਕੁਰੰ
ਕਰਕੇ ਰਿਪੋਰਟ ਕੱਲ ਮਿਲੀ 28.11.2019 ਤੱਕ ਇਸ ਦਫਤਰ ਨੂੰ ਭੇਜਣੀ ਪਹਿਲੀ ਬਣਾਈ ਜਾਵੇ।

ਨਹੀਂ ਲਿਖਣ

ਚਾਕਰੀਵਾਲੇ 27.10.19
ਸਿੱਖਿਆ ਅਫਸਰ (ਸੈ.ਸਿ)
ਫਾਈਲ ਨੰ: 1468
27/10/19

ਪਿਠਿ ਅੰਕਣ ਨੰ: ਸਮ
ਮਿਤੀ:

ਇਸ ਦਾ ਸੂਰਤਾ ਡਾਇਰੈਕਟਰ ਸਿੱਖਿਆ ਵਿਭਾਗ (ਸੈ.ਸਿ) ਪੰਜਾਬ ਐਸ.ਏ.ਐਸ ਨਗਰ
(ਮੋਹਾਲੀ) ਨੂੰ ਸੂਚਨਾ ਵਿੱਚ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ।

ਚਾਕਰੀਵਾਲੇ
ਸਿੱਖਿਆ ਅਫਸਰ (ਸੈ.ਸਿ)
ਫੁਲਪੁਰ।

Government of Punjab, Mohali

**OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTIONS
(SECONDARY EDUCATION) PUNJAB
(Establishment-5 Branch)**

Handwritten notes:
25/11/19
27/11/19

Order No. 12/18-19 E-5(1)

Dated, SAS Nagar: 25/11/2019

Handwritten stamp:
2019/11/25
27/11/19

The following persons filed various Execution Applications to get the order dated 02.02.1995 passed by Hon'ble High Court in CWP No.1468 of 1994 titled as "Gurpreetpal Singh and others VS State of Punjab and others" executed, the detail of which is mentioned as under:-

Sr No.	Name	Execution Application No.
1	Jagdev Singh vs Krishan Kumar, IAS and another	E.A. No.9 of 2012 in CWP No. 1468 of 1994
2	Mahesh Chander vs Krishan Kumar, IAS and another	E.A. No.4 of 2012 in CWP No. 1468 of 1994
3	Ravinder Kaur vs Krishan Kumar, IAS and another	E.A. No.5 of 2012 in CWP No. 1468 of 1994
4	Gurdip Singh vs Krishan Kumar, IAS and another	E.A. No.6 of 2012 in CWP No. 1468 of 1994
5	Bhagirath Ram vs Krishan Kumar, IAS and another	E.A. No.7 of 2012 in CWP No. 1468 of 1994
6	Sukwant Singh (Deceased) vs Krishan Kumar, IAS and another	E.A. No.8 of 2012 in CWP No. 1468 of 1994
7	Barjinder Kaur vs Krishan Kumar, IAS and another	E.A. No.10 of 2012 in CWP No. 1468 of 1994
8	Darshan Kumari Monga vs Krishan Kumar, IAS and another	E.A. No.32 of 2013 in CWP No. 1468 of 1994
9	Suman Kanta vs Krishan Kumar, IAS and another	E.A. No.1 of 2014 in CWP No. 1468 of 1994
10	Sarbjit Kaur vs Krishan Kumar, IAS and another	E.A. No.2 of 2014 in CWP No. 1468 of 1994
11	Nirmala Devi vs Krishan Kumar, IAS and another	E.A. No.3 of 2014 in CWP No. 1468 of 1994

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2. All these Execution Applications have been decided by the Hon'ble Punjab and Haryana High Court alongwith E.A. No. 4 of 2012 vide order dated 26.02.2018, the operative part of which reads as under:-

"Consequently, all the execution applications are allowed. The respondents are directed to implement the judgment dated 02.02.1995 passed in CWP No.1468 of 1994 within a period of three months from the date of receipt of certified copy of the judgment"

3. Therefore, in compliance with the aforesaid directions of Hon'ble Punjab and Haryana High Court passed in the above said Execution Applications, the above said petitioners are hereby granted the benefit of two/three advance increments from the date(s) they have acquired the qualification of post graduation. The petitioners who have acquired the qualification of post graduation in first or second division shall be entitled to three advance increments and those who have acquired such qualification in third division are entitled to the benefit of two advance increments. The grant of the above said benefit is subject to the following conditions namely:-

- (i) That testimonial copy of certificate of qualifications of the above said petitioners shall be kept on record and authentication and genuineness of the same shall be ensured by the concerned Drawing and Disbursing Officers.
- (ii) They shall be entitled to the arrears of pay accrued as a result of grant of advance increments for a period of three years and two months from the date of decision of CWP No.1468/1994 which is 02.02.1995.
- (iii) The final decision to be given by the Hon'ble Supreme Court of India in pending SLP bearing No. 37753 of 2019, which has been preferred by

Q

the State of Punjab against the decisions of above said Execution Applications shall be binding upon the above said petitioners.

4. The concerned Drawing and Disbursing Officers shall re-fix pay of the petitioners accordingly and pensionary benefits, if needed, of the petitioners shall be got revised from the Accountant General, Punjab, Chandigarh expeditiously.

(Sukhjeet Pal Singh) PCS,
Director of Public Instruction(SE) Punjab.

Endst. No Even, Dated: 2019402593 — 2019402596 (27-11-19)

A copy of the above is sent to the following for information and necessary action.

1. Director of Public Instruction(Elementary Education) Punjab, S.A.S.Nagar, Mohali.
2. District Education Officer(SE) Faridkot, is being directed to inform the petitioners at there own level.
3. All the above said petitioners.
4. Nodal officer legal O/o Director of Public Instructions(SE) Punjab.
5. PA to D.P.I.(SE) Punjab.

Assistant Director(SA-5)

1. Gurpreetpal Singh, Hi, Tr, GSSS Machaki Kalan, District Faridkot.
2. Surinderpal Kaur, Mistress, GSSS Machaki Kalan.
3. Raj Kumari, Hi. Tr, GSSS Machaki Kalan, Fdk.
4. Gurinder Kaur, Pbi, Tr. GSSS Machaki Kalan.
5. Pawanjit Kaur, Mistress, GSSS Machaki Kalan.
- ✓ 6. Ravinder Kaur, Mistress, GSSS Kotkpora, Fdk.
- ✓ 7. Suman Kanta, Pbi, Tr. GGSSS Faridkot.
8. Gurcharan Kaur, Mistress, GGSSS Faridkot
9. Harvinder Kaur, A&CT, GGSSS Faridkot.
- ✓ 10. Nirmala Devi, Hi. Tr, GGSSS Faridkot.
11. Narinder Kaur, Mistress, GGSSS Faridkot.
12. Darshan Singh, Master, GSSS Machaki Kalan.
13. Paramjeet Kaur, Lecturer, GSSS Machaki Kalan.
14. Narinderpal Kaur, Pbi. Tr., GSSS Kotakpura, Fdk.
15. Amarjit Kaur, Pbi, Tr., GSSS Kotakpura.
- ✓ 16. Darshan Kumari Monga, Mistress, GSSS Kotakpura.
17. Usha Rani, Hi. Tr, GSSS Kotakpura.
18. Ashvani Kumar Monga, Master, GSSS Pakhi Kalan, Fdk.
19. Veena Rani, Mistress, GSSS(B) Kotakpura.
20. Rajinder Kaur, Sc., Mistress, GGSSS Faridkot.
21. Rajinder Kaur Sandhu, Mistress, GGSSS Faridkot.
22. Jagdip Kaur, Mistress, GGSSS Faridkot.
- ✓ 23. Sarabjit Kaur, Mistress, GHS Khara, Faridkot.
24. Sukhdev Kaur, Mistress, GHS Khara, Faridkot.
25. Surinder Pal Kaur, Mistress, GHS Surgapuri, Fdk.
26. Jasbir Singh, Master, GHS, Khara, Faridkot.
- ✓ 27. Barjinder Kaur, Mistress, GHS Talwandi Jalle Khan.
- ✓ 28. Sukhwant Singh, GMS Kaderwala.
- ✓ 29. Gurdip Singh, Master, GHS Aulakh, Faridkot.
30. Gursewak Singh, Master, GHS Aulakh, Faridkot
31. Jaswinder Kaur, Mistress, GHS Khokhar, Faridkot.
32. Gurjit Singh, Master, GHS Khokhar, Faridkot.
33. Gurbachan Singh, Master, GHS Aulakh, Faridkot.
34. Major Singh, DPE, GHS Aulakh, Faridkot.

- ✓ 35. Nirmal Singh, Master, GHS Aulakh, Faridkot.
- ✓ 36. Bhagirath Ram, Master, GHS, Chaina, Faridkot.
- ✓ 37. Jagdev Singh, Master, GSSS Jaitu, Faridkot.
- ✓ 38. Jeet Singh, Master, GHS Dhillwan Kalan, Faridkot.
- ✓ 39. Amar Singh Pbi, Tr., GSSS Kotakpura.
- ✓ 40. Jawahar Lal Dhawan, Pbi, Tr. GHS Panj Grain Kalan (B).
- ✓ 41. Avtar Singh, Master, GHS, Kohar Wala, Faridkot.
42. Paramjit Kaur, Mistress, GSSS GTB Garh, Faridkot.
43. Joginder Singh, Pbi, Tr. GSSS GTB Garh, Faridkot.
44. Jagwinder Kaur, Mistress, GHS Samalsar, Faridkot.
45. Arvinder Kaur, Mistress, GHS Samalsar, Faridkot.
46. Mahesh Chander, Master, GHS Chand Bhan Via Jaitu, Faridkot.
47. Vinod Kumar, Master, GHS Deep Singh Wala, Faridkot.

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Annexure P-8

Annexure E-1

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

Civil Writ Petition No.1468 of 1994

1. Gurpreetpal Singh, Hi. Tr., GSSS Machaki Kalan, District Faridkot.
2. Surinderpal Kaur, Mistress, GSSS Machaki Kalan.
3. Raj Kumari, Hi. Tr., GSSS Machaki Kalan, Fdk.
4. Gurinder Kaur, Pbi. Tr., GSSS Machaki Kalan.
5. Pawanjit Kaur, Mistress, GSSS Machaki Kalan.
6. Ravinder Kaur, Mistress, GSSS Kotkपुरa, Fdk.
7. Suman Kanta, Pbi.Tr., GGSSS Faridkot.
8. Gurcharan Kaur, Mistress, GGSSS Faridkot.
9. Harvinder Kaur, A&CT, GGSSS Faridkot.
10. Nirmala Devi, Hi.Tr., GGSSS Faridkot.
11. Narinder Kaur, Mistress, GGSSS Faridkot.
12. Darshan Singh, Master, GSSS Machaki Kalan.
13. Paramjeet Kaur, Lecturer, GSSS Machaki Kalan.
14. Narinderpal Kaur, Pbi.Tr., GSSS Kotkapura, Fdk.
15. Amarjit Kaur, Pbi. Tr., GSSS Kotkapura.
16. Darshan Kumari Monga, Mistress, GSSS Kotkapura.
17. Usha Rani, Hi. Tr., GSSS Kotkapura.
18. Ashvani Kumar Monga, Master, GSSS Pakhi Kalan, Fdk.
19. Veena Rani, Mistress, GSSS(B) Kotkapura.
20. Rajinder Kaur, Sc. Mistress, GGSSS Faridkot.
21. Rajinder Kaur Sidhu, Mistress, GGSSS Faridkot.
22. Jagdip Kaur, Mistress, GGSSS Faridkot.
23. Sarabjit Kaur, Mistress, GHS Khara, Faridkot.

24. Sukhdev Kaur, Mistress, GHS Khara, Faridkot.
25. Surinder Pal Kaur, Mistress, GHS Surgapuri, Fdk.
26. Jasbir Singh, Master, GHS, Khara, Faridkot.
27. Barjinder Kaur, Mistress, GHS Talwandi Jalle Khan.
28. Sukhwant Singh, GMS Kaderwala.
29. Gurdip Singh, Master, GHS Sibian, Faridkot.
30. Gursewak Singh, Master, GHS Aulakh, Faridkot.
31. Jaswinder Kaur, Mistress, GHS Khokhar, Faridkot.
32. Gurjit Singh, Master, GHS Khokar, Faridkot.
33. Gurbachan Singh, Master, GHS Aulakh, Faridkot.
34. Major Singh, DPE, GHS Aulakh, Faridkot.
35. Nirmal Singh, Master, GHS Aulakh, Faridkot.
36. Bhagirath Ram, Master, GHS, Chaina, Faridkot.
37. Jagdev Singh, Master, GSSS Jaitu, Faridkot.
38. Jeet Singh, Master, GHS Dhilwan Kalan, Faridkot.
39. Amar Singh, Pbi. Tr., GSSS Kotkapura.
40. Jawahar Lal Dhawan, Pbi. Tr., GHS Panj Grain Kalan (B).
41. Avtar Singh, Master, GHS, Kohar Wala, Faridkot.
42. Paramjit Kaur, Mistress, GSSS GTB Garh, Faridkot.
43. Joginder Singh, Pbi. Tr., GSSS, GTB Garh, Faridkot.
44. Jagwinder Kaur, Mistress, GHS Samalsar, Faridkot.
45. Arvinder Kaur, Mistress, GHS Samalsar, Faridkot.
46. Mahesh Chander, Master, GHS Chand Bhan Via Jaitu, Faridkot.
47. Vinod Kumar, Master, GHS, Deep Singh Wala, Faridkot.

...Petitioners

Versus

1. State of Punjab through its Secretary to the Government, Department of Education, Punjab, Chandigarh.
2. The Director, Public Instruction (S), Punjab, Chandigarh.

... Respondents

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF A WRIT OF CERTIORARI, MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE IMPUGNED INSTRUCTIONS OF THE GOVERNMENT; ANNEXURES P-4 AND P-5 TO THE EXTENT THESE EFFECT THE INTEREST OF THE PETITIONERS ADVERSELY AND FOR GRANT OF OTHER RELIEFS AS PRAYED HEREUNDER.

Present : Mr. Subhash Ahuja, Advocate
Mr. K.S. Sidhu, Addl. AG (P)

Same orders as in CWP No.1072 of 1994.

Sd/- Ashok Bhan,
Judge
Sd/- Sat Pal
Judge

True Copy


Advocate

(Contd...)

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

Civil Writ Petition No.1702 of 1994

Rajkushwant Singh and others ...Petitioners

Versus

State of Punjab etc. ...Respondents

Present : Mr. Subhash Ahuja, Advocate
Mr. K.S.Sidhu, Addl. AG (P)

This order shall dispose of CWP Nos.13543 and 13904 both of 1993, CWP Nos.1072, 1468, 4552, 4553 and 11934 to 11937 all of 1994. The facts being common in all the writ petitions, the general facts applicable to the petitioners are stated as under :

In these writ petitions, the petitioners have prayed for higher grade on the basis of higher qualification in terms of the instructions dated 23.7.1957, Annexure P-1. These writ petitions have been filed seeking quashing of instructions dated 19.2.1979, Annexure P-4 and subsequent instructions dated 20.2.1979, Annexure P-5.

The point involved in these writ petitions is squarely covered by various judgments, out of which reference is being made to two of them; CWP No.11995 of 1989. Against the judgment, Letters Patent Appeal was filed which also stands dismissed. This judgment is based upon a Supreme Court judgment reported Chaman Lal and others versus State of Haryana AIR 1987 SC 1621, where similar instructions have been quashed. The second judgment is a judgment of Division Bench of this Court in CWP 15630 of 1993 decided on 14.9.1994.

We respectfully follow the above said decision and accept these writ petitions. The impugned instructions; Annexures P-4 and P-5 are

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quashed and the respondents are directed to grant higher grade on acquisition of higher qualification as per the entitlement of the petitioners. The arrears are restricted to a period of three years and two months. No costs.

Sd/- Ashok Bhan
Judge

Sd/- Sat Pal
Judge

February 2, 1995.

True Copy ✓

Advocate

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Annexure P-9

Annexure P-9

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NOS.8295-8298 OF 1995

State of Punjab & Another ...Appellant(s)

Versus

Prem Lata Katyal and others ...Respondent(s)

With CA Nos.7988-7990/1996, 7981-7987/1996, 2740/2001, 8300-8301/1995, CA Nos.3935/03 @ SLP (C) No.1238/96, CA No.3936/03 @ SLP (C) 4058/1996, CA No.7937/03 @ SLP (C) 15214/1997, CA No.3938/03 @ SLP (C) 20127-28/1996.

ORDER

SLP (C) Nos.1238/1996, 4058/1996, 15214/1997, 20127-28/ 1996.

Delay condoned.

Substitution allowed.

Appln. for deletion of the name of LR No.2 of deceased respondent No.115 in SLP (C) No.20127 of 1996 is allowed.

Leave granted.

CA Nos.7938-7990/1996, 7981-7987/1996, 2740/2001, 8300-8301/1994, CA No.3935/03 @ SLP (C) No.1238/1996, CA No.3936/03 @ SLP (C) 4058/1996, CA No.3937/03 @ SLP (C) No.15214/1997, CA No.3938-39/03 @ SLP (C) No.20127-28/96.

Substitution allowed.

Heard Mr. Atul Nanda, Ld. Addl. Advocate General for the appellants and the Ld. Senior Counsel appearing for the respondents.

Though elaborate submissions have been made after making extensive reference to the historical background of the problem in these appeals and the various judicial pronouncements governing the matters

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under consideration, in our considered view, the issue involved for determination stood already finally and firmly settled by the decision of this Hon'ble Court reported in State of Punjab and another versus Kirpal Singh Bhatia and others 1975 (4) SCC 740, Punjab Higher Qualified Teachers and others versus State of Punjab and others (1998(2) SCC 407), Chaman Lal and others versus State of Haryana (1987(3) SCC 113) and Wazir Singh, JBT Teacher and others versus State of Haryana through its Secretary, Education Department and others (1995 Supp. (3) SCC 697). In the light of the principles laid down therein no exception whatsoever can be taken, in our view to the decision arrived at in all these cases by the High Court, we see no merit in these appeals. These shall stand, therefore, dismissed.

Sd/- Doraiswamy Raju
Judge

Sd/- D.M.Dharmadhikari
Judge

New Delhi : April 30, 2003.

True Copy

Advocate

ANNEXURE P-3

No. 9/9/79-FR(2)/143

From

The Commissioner for Finance &
Secretary to Govt., Punjab
Finance Department

To

The Secretary to Govt. Punjab,
Education Department,
Dated Chandigarh, the 19th February 1979

Subject:- Revision of scales of pay of low paid Government Servants

Sir,

I am directed to refer Punjab Government Finance Department Circular letter No. 5038-FR-II/57/5600, dated the 23rd July, 1957 on the above subject, which mentioned the details regarding the revision of the scales of pay of various categories of the subordinate services (including teachers) done on the recommendations made by the pay revision committee, then appointed to examine this matter. While evolving revised pay scales in respect of different categories of teachers in the Education Department, in para 3 of the aforementioned circular, two broad categories namely category 'A' and category 'B' of teachers were mentioned, inter-alia laying down the requirements of academic qualifications in their cases. It would not have been intended by the Govt. that on their requisition of higher academic qualifications. Various categories of teachers in the lower grade shall automatically be placed in different higher scales commensurate with their academic qualifications. Normally pay scales of various categories of posts in any departments are sanctioned, keeping in view the minimum qualifications required for each category of posts, besides the duties prescribed therefore. Similarly, the teaching posts are sanctioned for various educational institutions

basis of higher qualifications, he cannot claim the grade of master i.e. B.A. B.Ed. but matric J.B.T. Similarly, if a Matric J.B.T. teachers improve his qualifications during the course of service and acquired degree of B.A. B.Ed. or of the language teacher/ O.T./ Giani or Prabhakar, he cannot claim the scale of master i.e. B.A. B.Ed. or of language teacher unless he is appointed as Master against the post of master for which the minimum qualifications is O.T. (Giani or Prabhakar).

2. As the instructions contained in paragraph 3 of the above mentioned letter dated 23rd July 1957 did not bring out the above mentioned intentions of the Govt. in unambiguous terms, it resulted in different interpretations i.e. automatics grant of higher scales of pay on the basis of qualifications irrespective of the number of posts, available in the Department in the category. In a number of cases, some teachers who were denied such higher grants on their acquiring higher qualifications sought even through judicial pronouncement although the State Govt. had to grant the higher scales of pay in such cases in view of the present wording of the instructions contained in Para 1 above, yet it was never its intention to undertake the continuing unintended and heavy financial burden that has developed on it because of the faulty framing of the above mentioned instructions.

3. In order to ensure that these intended and large financial implications do not continue arising in future, the whole matter has been reconsidered by the State Govt. As a result of the reconsideration the Governor of Punjab is pleased to order that henceforth the teacher of the Education Department shall not become entitled to be placed in the higher scales of pay in terms of para 3 of the Punjab Govt. letter No. 5050-FR-II/5600 dated 23rd July 57 automatically on their improving/acquiring higher qualifications during the course of their service. The matter and teachers in the Education Department will be placed in the scales of pay of their respective categories to which they are appointed

scales of pay on account of having improved their qualifications and those who have not yet been allowed this benefit, even though who have not yet been allowed this benefit, even though they also possess higher qualifications, it is decided that all teachers in the education department, who have improved their qualifications before the issue of this letter, may be allowed the benefit of higher scales of pay on the basis of their qualifications. This benefit shall not be allowed to those, who are appointed or improve their qualifications after the issue of this letter.

4. The continue of this communication may be brought to the notice of all concerned. Instructions, if any, issued by the Education Department, bearing on the subject, may be suitably modified in so far as they run counter to the spirit of the instructions contained in this communication. Necessary clarification in the service rules may also be incorporated in consultation with the Chief Secretary and the new department and it should be made effective from the date of issue of this letter.

5. Please acknowledge receipt.

Yours faithfully,

Sd/- Jagjit Singh,
Deputy Secretary Finance
For Commission for Finance
and Secretary to Government,
Punjab
Finance Department

TRUE COPY

ADVOCATE

ANNEXURE P-4

To

1. Director of Public Instructions,
(Punjab School)
2. Director of Public Instructions,
(Primary Edu.), Punjab, Chandigarh

Memo No. 8937-53DII-79/2059, dated Chandigarh the 20.9.1979

Sub:- Revision of scales of pay of low paid Govt. Servants implementation of Finance Department's decision contained in circular letter No.9/9/78-FR-(2)143, dated 19.2.1979.

Ref:- Pun jab Government Memo No. 2086-5EDII/79, dated 5.3.1979 on the subject cited above

2. The implementation of the decision contained in Finance Department Circular letter No. 9/9/79-FR(2)-143, dated 19.2.1979 grant higher pay scales to the teachers on the basis of higher qualifications was kept pending for want o clarifications on certain points from the Finance Department which have now become available, and are reported below:-

3(a) The higher scale may be allowed from the date of passing the respective higher examination by the concerned teachers where this has not already been done. However, actual payment at enhanced rates should commence from 19.2.1979 and the payment of arrears accruing from the date of passing the examination till 18.2.1979 be restricted to the maximum for 38 months.

(b) The benefit of higher scale may be allowed from the date of a particular teacher is appointed on regular basis of the date of

be restricted to a period of 38 months only, an already mentioned in (a) above.

(c) The teacher placed in higher scales can only be regularly adjusted when corresponding posts in the higher scales become available in the cadre. Such teachers may continue to enjoy the higher scale as a personal measure till they are adjusted against regular posts as and when the name become available.

(d) The pending writ petition/appeals be got declared infructuous in consultation with L.R. where necessary.

4. The contemplated benefit is to be given only to the categories of teachers mentioned in Finance Departments' letter No. 5058-FR-II-57/8600, dated 23.7.1987.

5. Necessary action may please be taken in the light of F.Ds advice mentioned above and proposals along with financial implications be furnished to the Government immediately.

Sd/- XXXX

(Devinder Kashyap)

Under Secretary to Government,

Punjab

A copy is forwarded to the Deputy Secretary to Government, Punjab, Finance Department for information and necessary action with reference to his U.O. No. 9/9/79-FR(2)143 DTED 17.9.1979.

Sd/- XXXX

(Devinder Kashyap)

Under Secretary to Government,

Punjab

To

Deputy Secretary to Government, Punjab,
Finance Department (in FR Branch) No.
8037-ED-II-79/dated 20.9.1979

TRUE COPY

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

(1)

**E.A. No.4 of 2012 in
CWP No.1468 of 1994.**
Date of Decision: 26.02.2018.

Mahesh Chander

... Applicant/Decree Holder

Versus

State of Punjab and another

... Respondents

(2)

**E.A. No.5 of 2012 in
CWP No.1468 of 1994.**

Ravinder Kaur

... Applicant/Decree Holder

Versus

State of Punjab and another

... Respondents

(3)

**E.A. No.6 of 2012 in
CWP No.1468 of 1994.**

Gurdip Singh

... Applicant/Decree Holder

Versus

State of Punjab and another

... Respondents

(4)

**E.A. No.7 of 2012 in
CWP No.1468 of 1994.**

Bhagirath Ram

... Applicant/Decree Holder

Versus

State of Punjab and another

... Respondents

(5)

**E.A. No.8 of 2012 in
CWP No.1468 of 1994.**

Sukhwant Singh

... Applicant/Decree Holder

Versus

E.A. No.4 of 2012

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State of Punjab and another ... Respondents

(6)

**E.A. No.9 of 2012 in
CWP No.1468 of 1994.**

Jagdev Singh

... Applicant/Decree Holder

Versus

State of Punjab and another ... Respondents

(7)

**E.A. No.10 of 2012 in
CWP No.1468 of 1994.**

Barjinder Kaur

... Applicant/Decree Holder

Versus

State of Punjab and another ... Respondents

(8)

**E.A. No.32 of 2013 in
CWP No.1468 of 1994.**

Gupreet Pal Singh and others

... Applicant/Decree Holders

Versus

State of Punjab and another ... Respondents

(9)

**E.A. No.1 of 2014 in
CWP No.1468 of 1994.**

Gupreet Pal Singh and others

... Applicant/Decree Holders

Versus

State of Punjab and another ... Respondents

(10)

**E.A. No.2 of 2014 in
CWP No.1468 of 1994.**

Gupreet Pal Singh and others

... Applicant/Decree Holders

Versus

State of Punjab and another ... Respondents

(11)

E.A. No.3 of 2014 in
CWP No.1468 of 1994.

Gupreet Pal Singh and others

... Applicant/Decree Holders

Versus

State of Punjab and another

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Harinder Sharma, Advocate,
for the petitioner(s) in all the applications.

Ms. Sudeepti Sharma, Addl. AG, Punjab.

JITENDRA CHAUHAN.J.

This judgment shall dispose of aforementioned eleven execution applications as common judgment dated 02.02.1995 passed in CWP No.1468 of 1994 titled as "Gurpreetpal Singh vs. State of Punjab and others" is sought to be executed in all the execution applications.

It is contended that on 02.02.1995, the writ petition filed by the applicant-Decree-Holders was allowed by this Court by holding as under:-

"This order shall dispose of CWP Nos. 13543 and 12904 both of 1993, CWP Nos. 1072, 1468, 4552 and 11934 to 11937 all of 1994. The facts being common in all the writ petitions, the general facts applicable to the petitioners are stated as under:-

In these writ petitions, the petitioners have prayed for higher grade on the basis of higher qualifications in

terms of the instructions dated 23.07.1957, Annexure P-1 These writ petitions have been filed seeking quashing of instructions dated 19.02.1979, Annexure P-4 and subsequent instructions dated 20.09.1979, Annexure P-5.

*The point involved in these writ petitions is squarely covered by various judgments, out of which reference is being made to two of them; CWP No.11995 of 1989. against the judgment, Letters Patent Appeal was filed which also stands dismissed. This judgment is based upon a Supreme Court judgment reported **Chaman Lal and others versus State of Haryana AIR 1987 SC 1621**, wherein similar instructions have been quashed. The second judgment is a judgment of a Division Bench of this Court in CWP No.15630 of 1993 decided on 14.09.1994.*

We respectfully follow the above said decisions and accept these writ petitions. The impugned instructions, Annexure P-4 and P-5 are quashed and the respondents are directed to grant higher grade on acquisition of higher qualification as per the entitlement of the petitioners. The arrears are restricted to a period of three years and two months. No costs.”

It has been further contended by the learned counsel for the applicant/decreed holders that against the judgment dated 02.02.1995, the state of Punjab went in appeal before Hon'ble the Supreme Court. However, the appeal was also dismissed vide judgment dated 30.04.2003 passed in Civil Appeal Nos. 8295-98 of 1995. (Annexure E-2). Despite that, the judgment dated 02.02.1995 has not been implemented by the respondent/authorities so far. Hence, the present execution applications.

On the other hand, the learned State counsel contends that while delivering judgment dated 02.02.1995 in CWP No.1468 of 1994, a Division Bench of this Court relied upon CWP No.11995 of 1989. However, the State of Punjab preferred LPA No.374 of 1994 against CWP No.11995 of 1989. While deciding the LPA, a Division Bench was pleased to hold the writ petitioners who joined service after 19.02.1979 shall not be entitled to the benefit of higher grade automatically and they shall be entitled to the benefit of higher grade only in accordance with the new policy contained in the Circular dated 19.02.1979.

It is further contended that against the judgment dated 02.02.1995, the State of Punjab filed SLP. Hon'ble the apex Court while dismissing the SLP on 30.04.2003, held that the issues involved for determination stood already finally and firmly settled by the decisions of the Supreme Court reported in **Wazir Singh vs. State of Haryana JT 1995(7) SC 404** and in other cases. In **Wazir Singh's**

case (supra), Hon'ble the Supreme Court held that the teachers who have acquired BT/B.Ed qualification prior to 09.03.1990 would get the benefit of para 2 of the Punjab Government letter dated 23.07.1957 and those who have acquired BT/B.Ed qualification subsequently are governed by the changed policy of Haryana Government dated 09.03.1990. The cut off date for awarding qualifications based pay scales was upheld. It has been held that the teachers are not entitled to the higher pay scales on the basis of their improved qualifications after the cut off date from which the State Government discontinued its policy for awarding the qualifications based pay scales. It is further contended that the State of Punjab has enacted the Punjab Pay Scales of Teachers Act, 2004 whereby such arrangement to grant of higher pay scales on the basis of higher qualification was discontinued even in case of those teachers who were appointed prior to 19.02.1979. The said Act has been upheld by a Division Bench of this Court in CWP No.14634 of 2009. Even the similar claim of advance increments raised by other persons has been stayed by a LPA Bench in LPA No.199 of 2014 (O&M).

In this background, it is contended that the applicant/decreed holders are not entitled to grant of advance increments.

Heard.

It is to be noticed that the issue whether the applicant/decreed holders are entitled to advance increments on

acquiring post graduation qualification, stands decided by this Court in CWP No.1468 of 1994 decided on 02.02.1995. Against that decision, the State of Punjab preferred Civil Appeal Nos. 8295-98 of 1995 which were dismissed by Hon'ble the Supreme Court vide common order dated 30.04.2003. Now, at this stage, the contention of the learned State counsel that the applicant/deGREE holders are not entitled to the advance increments as the cut off date was upheld in the relied upon cases such as **Wazir Singh's case (supra)**, cannot be accepted. This Court is not an appellate Court. This Court being an executing Court has to ensure implementation of the judgment passed by this Court.

Consequently, all the execution applications are allowed. The respondents are directed to implement the judgment dated 02.02.1995 passed in CWP No.1468 of 1994 within a period of three months from the date of receipt of certified copy of the judgment.

26.02.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

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

COPY OF MEMO NO. 6482-ED.III(2) 60/32640, DATED 1ST SEPT. 1960 FROM THE SECRETARY TO GOVERNMENT, PUNJAB, EDUCATION DEPARTMENT, PUNJAB, CHANDIGARH, TO THE DIRECTOR OF PUBLIC INSTRUCTION, PUNJAB.

Sub: Grant of advance increments to teachers/masters who have improved their qualifications

Reference your U.O. No. 17/185-60-II, dated the 20th June, 1960, on the subject noted above.

Sanction of the Government of Punjab is accorded to the grant of advance increments to the Masters working in their Punjab Education Department, who improve/have improved their Educational Qualifications in the manner detailed below:-

<u>Category of Personnel</u>	<u>Qualifications</u>	<u>Increments</u>
Masters	(110-5-190/10-250) M.A./ M.Sc./M.Ed. (3 rd Division)	2 Increments
	M.A./ M.Sc./M.Ed. (1 st or 2 nd Division)	3 Increments

2. The advantage will be enjoyed only once and not for doing any subsequent M.A. It will not be available to those who were given higher start on entry for being M.A./M.Sc. M.Ed.
3. These orders will take effect from the date of issue.
4. The original dates increments shall remain unchanged and the persons concerned should be allowed to retain their old dates of increments.

Copy of D.P.I. Endst No. 946-E1-17/185-60, E1 dated 13.10.1960. Endst. No. E3(3)-V-60-8567 dated 27.10.1960 to all the District Inspectors of Schools in the State for information and necessary action.

ITEM NO.6

COURT NO.8

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s).37753/2019

(Arising out of impugned final judgment and order dated 26-02-2018 in EA No. 04 to 10/2012, EA No. 32/2013 and EA No. 1 to 3/2014 in CWP No 1468 of 1994 passed by the High Court of Punjab & Haryana at Chandigarh)

STATE OF PUNJAB & ANR.

Petitioner(s)

VERSUS

MAHESH CHANDER ETC. ETC.

Respondent(s)

(WITH I.R. and IA No.180739/2019-CONDONATION OF DELAY IN FILING)

Date : 02-12-2019 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Karan Bharihoke, AOR
Mr. Siddhant Sharma, Adv.

For Respondent(s)

UPON hearing the counsel the court made the following
O R D E R

Learned counsel appearing on behalf of the petitioners submitted that the judgment of the High Court dated 2 February 1995 was the subject matter of Civil Appeal Nos 8295-8298 of 1995 [Annexure P2]. This court, by its judgment dated 30 April 2003, affirmed the view of the High Court in terms of the decision in **Wazir Singh, JBT Teacher v State of Haryana**¹ and other decisions noted therein. Hence, it has been submitted that in view of

Signature Not Verified
Digitally signed by
SANJAY KUMAR
Date: 2019.12.04
13:04:26 IST
Reason:

the above position and, particularly, after the enforcement of the Act of 2004, the execution petitions which were filed nearly five years thereafter should not have been entertained.

Issue notice on the application for condonation of delay in filing the Special Leave Petition and on the Special Leave Petition, returnable in eight weeks.

In the meantime, no coercive steps shall be taken against the petitioners on the basis of the impugned judgment and order of the High Court dated 26 February 2018.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER



॥

SUPREME COURT OF INDIA (/)

॥ यतो धर्मस्ततो जय ॥

[Case Information \(click here\)](#)

Diary Number	Case Number	Party Name	AOR	Court / Tribunal	Free Text
4180					
Diary No.					Year
37753					2019
					Submit

Diary No.- 37753 - 2019
STATE OF PUNJAB vs. MAHESH CHANDER

Case Details

Diary No.	37753/2019 Filed on 18-10-2019 02:24 PM [SECTION: IV-B] PENDING
Case No.	SLP(C) No.(Verified On 28-11-2019)
Present/Last Listed On	02-12-2019 [HON'BLE DR. JUSTICE D.Y. CHANDRACHUD and HON'BLE MR. JUSTICE HRISHIKESH ROY]
Status/Stage	Pending - (Motion Hearing) [SERVICE/COMPLIANCE]-BEFORE REGISTRAR(J) / [FRESH (FOR ADMISSION) - CIVIL CASES] Notice Returnable (D.O.W.8.M:0), Stay/Status quo-Ord dt:02-12-2019
Tentatively case may be listed on (likely to be listed on)	07-02-2020 (Computer generated)
Category	0610-Service Matters : Pay scales
Act	
Petitioner(s)	1 STATE OF PUNJAB SECRETARY PUNJAB ,CHANDIGARH , CHANDIGARH 2 THE DIRECTOR PUBLIC INSTRUCTIONS (S) THE DIRECTOR PUBLIC INSTRUCTIONS (S) PUNJAB, SECTOR 17, CHANDIGARH ,CHANDIGARH , CHANDIGARH
Respondent(s)	1 MAHESH CHANDER S/D/W/Thru:- ROHAN LAL TONDON LECTURER RETD. GOVT SENIOR SECONDARY SCHOOL BOS, PANJGRAIN KALAN, FARIDKOT R/O H.NO IV-117, LOON WALI GALI, MOHALLA, RAMGARIA, KOTKAPURA ,FARIDKOT , PUNJAB 2 RAVINDER KAUR S/D/W/Thru:- S. HARNAM SINGH JOGI AND W/O S. JASWANT SINGH BAWA LECTURER POLITICAL SCIENCE (RETIRED), GOVT. SENIOR SECONDARY SCHOOL, MATTA, DISTRICT FARIDKOT H. NO. B-12/142, OPPOSITE SADAR THANA STREET, HARINDER NAGAR, FARIDKOT ,FARIDKOT , PUNJAB 3 GURDIP SINGH S/D/W/Thru:- ISHAR SINGH LECTURER PUNJABI (RETIRED), GOVT. SENIOR SECONDARY SCHOOL, SARAWAN, DISTRICT FARIDKOT NEAR JAURIAN CHAKKIAN, OLD CITY, KOTKAPURA, FARIDKOT ,FARIDKOT , PUNJAB 4 BHAGIRATH RAM S/D/W/Thru:- SIV RAM S.S. MASTER, GOVT. HIGH SCHOOL, SIBIAN, DISTRICT FARIDKOT H. NO. B-IV/719, PURANA BAZAR, FARIDKOT ,FARIDKOT , PUNJAB 5 SUKHWANT SINGH S/D/W/Thru:- BAGHAIL SINGH LECTURER BIOLOGY, GOVT. GIRLS SENIOR SECONDARY SCHOOL, KOT ISE KHAN, DISTRICT MOGA STREET NO. 2, ADARSH NAGAR, CHEEMA ROAD KOT ISE KHAN, DIST. MOGA ,MOGA * , PUNJAB 6 JAGDEV SINGH S/D/W/Thru:- JAGTAR SINGH SOCIAL STUDIES MASTER, GOVT SENIOR SECONDARY SCHOOL (BOYS), KOTKAPURA, DISTRICT FARIDKOT SBS COLLEGE ROAD, NEAR KISAN COLD STORE, KOTKAPURA, DIST. FARIDKOT ,FARIDKOT , PUNJAB 7 BARJINDER KAUR S/D/W/Thru:- S ISHAR SINGH AND W/O S. SUKHWANT SINGH LECTURER PUNJABI GOVT. SENIOR, GALOTI DISTRICT MOGA ADARSH NAGAR, CHEEMA ROAD, KOT ISE KHAN, DIST. MOGA ,MOGA * , PUNJAB 8 SUMAN KANTA S/D/W/Thru:- KUSHI RAM AND W/O RAMESH CHAND ARORA PUNJABI TEACHER, GOVT. GIRLS SENIOR SECONDARY SCHOOL, FARIDKOT, PUNJAB MOHALLA TALAAB, FARIDKOT ,FARIDKOT , PUNJAB 9 SARABJIT KAUR S/D/W/Thru:- TEK SINGH AND W/O PINDERPAL SINGH S.S. MISTRESS, GGSS, FARIDKOT H. NO. 106, PARK AVENUE, TALWANDI, BYE PASS, FARIDKOT ,FARIDKOT , PUNJAB 10 NIRMALA DEVI S/D/W/Thru:- RAM W/O BALDEV KUMAR HINDI MISTRESS GOVT. MIDDLE SCHOOL, TEHNA, TEHSIL AND DISTRICT FARIDKOT SUKHIJA COLONY, NEAR OLD BUS STAND, TALWANDI ROAD, FARIDKOT ,FARIDKOT , PUNJAB
Pet. Advocate(s)	KARAN BHARIHOKE
Resp. Advocate(s)	
U/Section	

Indexing