

Annexure P-9

IN THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB  
& HARYANA AT CHANDIGARH

C.O.C.P NO. 1042 OF 2014

IN  
CWP No. 17954 of 2012

1. Vijay Kumar, Lect. Eco. S/o Diwan Chand,  
Govt. Sr. Sec. School, Jaloor, Distt  
Barnala, R/o #1695, Street No. 3-B, Lakhi  
Colony, Barnala.
2. Sangita Rani, Hindi Mistress, D/o Jawant  
Rai, Govt. Middle School, Dhaula Complex  
GHS, Dhaula, Distt. Barnala, R/o. #1695,  
Street No. 3-B, Lakhi Colony, Barnala.  
....Petitioners

## Versus

1. Smt. Anjali Bhawra, Secretary to  
Government of Punjab, Department of School  
Education, Punjab Civil Secretariat,  
Chandigarh.
2. Shri Kamal Kumar, Director Public  
Instructions (Sec. Edu.), Punjab, Punjab  
School Education Board, Phase-VIII,  
Mohali.

....Respondents

Short Reply by way of affidavit of  
Dr. Kamal Kumar, Director, Public  
Instruction (Secondary Education)  
Punjab, respondent no. 2.



RESPECTFULLY SHOWETH

I, the above named deponent do hereby solemnly affirm and declare as under:-

1. That the present contempt petition has been filed by the petitioners alleging wilful non-compliance of the order dated 12.09.2012 (P-1) passed by this Hon'ble Court in CWP No. 17954 of 2012, Santokh Singh and others versus State of Punjab and others wherein names of the petitioners were at serial No. 3 & 4 respectively. Vide order dated 12.09.2012 (P-1) the writ petition was disposed of with a direction to the respondents to decide the legal notice dated 13.06.2011 served by the petitioners in the light of judgement dated 25.02.2010 passed by this Hon'ble Court in another similar matter CWP No. 7464 of 2009, Surinder Kumar and others versus State of Punjab and others. The relevant extract of the order dated 12.09.2012 is being reproduced as hereunder for kind convenience of this Hon'ble Court:-

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"In the light of the averments made in the petition and on the basis of submissions made by learned counsel for the petitioners, I deem it appropriate to dispose of the present petition with a direction to the respondent-authorities to consider the claim of the petitioners and decide the legal notice dated 13.06.2011 (Annexure P-7) served by the petitioners in the light of the judgement dated 25.02.2010 passed by this Court in CWP No. 7464 of 2009 (Annexure P-5). Needful be done within a period of three months from the date of receipt of a certified copy of this order.

Petition disposed of."

2. That it would also be appropriate to reproduce here the relevant extract of the judgment dated 25-2-2010 in Surinder Kumar's case which is being reproduced as hereunder for kind convenience of this Hon'ble court:-

"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 P-1) 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. 1-1-1986, 1-1-1996 and 1-1-2006, as the case may be. The petitioners, however, shall be paid emoluments/pension as per the re-fixed pay w.e.f. 1-3-2010 onwards.

Ordered accordingly"

3. That in compliance with the above order dated 12.09.2012 (P-1) of this Hon'ble Court, taking a decision on the legal notice dated 13.06.2011 vide memo dated 11.01.2013, the concerned District Education Officers were directed to take necessary action to allow the petitioners to re-exercise their option for the revised pay scales w.e.f. 01.01.1993. A copy of the memo dated 11.01.2013 is at Annexure R-1.

4. That, in furtherance of the above directions from the office of deponent, both the petitioners have been permitted to change their option for revised pay scales w.e.f. 01.01.1993 instead of 01.01.1986 by the concerned Drawing and Disbursing officers and their pay has been refixed on notional basis. A copy of the order dated 06.08.2014 and 01.08.2014 respectively passed in favour of petitioner No. 1 & 2 is at **Annexure R-2 and R-3** respectively. The petitioners who are still serving, have been released following consequential arrears of salary w.e.f. 01.03.2010 as per the directions dated 25.02.2010 passed by this Hon'ble Court in CWP No. 7464 of 2009:-

Petitioner No.	Particulars of Payment	Amount	Date of Payment	Remarks
1	Arrears of Salary	Rs. 75,503/-	17.11.2014	Copies of Receipts are at Annexure R-4
2	Arrears of Salary	Rs. 64,193/-	17.11.2014	



The petitioners vide their receipts dated 17.11.2014 (R-4) have expressed their satisfaction regarding settlement of their claim.

5. That, deponent tenders an unconditional and unqualified apology for delay in implementing the orders of this Hon'ble Court. In this regard, it is humbly submitted that certified copy of the order dated 12.09.2012 was received in the office of deponent on 15.10.2012 and directions from the office of deponent to the respective District Education Officers to implement the order were issued on 11.01.2013 (Annexure R-1). Thus it is apparent that decision on the legal notice was taken within the period granted by this Hon'ble Court. It is further submitted that action to release consequential benefits in case of all other petitioners was taken by the concerned District Education Officers well in time. However, in case of present

petitioners who were serving under the control of District Education Officer (S.E.) Barnala, the delay in completion of action has been caused due to the fact that there was some confusion in the mind of the authorities at the district level as to whether an employee can be allowed to re-exercise option w.e.f. 01.01.1993 or not. Finally, the issue was resolved after gathering information from the relevant quarters including certain cases cleared by the Accountant General Punjab with re-exercise of option w.e.f. 01.01.1993 and directions from this office were issued on 14.11.2014 to grant requisite relief to the petitioners. The District Education Officer (S.E.) Barnala, Superintendent and dealing hand in the said office have been issued show cause notice under rule 10 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970, for not taking timely action. A copy of show cause notice issued against DEO (S.E.) Barnala is at **Annexure R-5**. However, deponent tenders



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unconditional and unqualified apology for the delay.

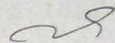
6. That, deponent holds this Hon'ble Court in its highest esteem and can never think to disobey intentionally any order of this Hon'ble Court or any other Court of Law.

Keeping in view the submission made above, it is, therefore, respectively prayed that the present contempt petition may kindly be disposed of in the interest of justice.

Place: Chandigarh

Dated: 02 - 12 - 2014

VERIFICATION



Deponent

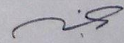
(Kamal Kumar)

Director  
Public Instructions (SE) Punjab

Verified that the contents of the above affidavit from para 1 to 6 are true and correct to my knowledge and information as derived from official record. No part of it is false and nothing material has been kept concealed therein.

Place: Chandigarh

Dated: 02 - 12 - 2014



Deponent

(Kamal Kumar)

Director  
Public Instructions (SE) Punjab

*True OK*  
*[Signature]*