

IN THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

CWP No. 738 of 2010 (O&M) & connected petitions.

Date of Decision: January 31, 2012

Manmohan Lal Sharma and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE AJAY KUMAR MITTAL

Present: Ms. Alka Chatrath, Advocate,
Mr. Kapil Kakkar, Advocate,
Mr. Sunny Singal, Advocate,
for Mr. Vikas Chatrath, Advocate,
for the petitioner(s).

Mr. J.S. Sidhu, Sr. Addl. A.G., Punjab,
for the respondent(s).

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

M.M. KUMAR, J.

1. This order shall dispose of a bunch of petitions* as the common questions of law and facts are involved. However, the facts are being referred from CWP No. 738 of 2010.
2. This petition filed under Article 226 of the Constitution prays for issuance of directions to the respondents to pay higher grade of ₹110-250 as revised from time to time, to the JST Teachers in accordance with the qualifications possessed/acquired by them. The petitioners have claimed that they have been working as teachers/masters in the respondent Punjab Education Department

on regular basis. They have been appointed as JBT/JV Teachers but they possess/acquired the qualifications which are higher than the one prescribed for the post of primary teachers i.e. Matric/J.B.T.

3. A perusal of the writ petition reveals various stages of the litigation starting from the year 1957 onwards, which has taken place between the teachers working the Education Department, Punjab and the State of Punjab with regard to grant of pay scale in accordance with the educational qualifications held by such teachers. The State of Punjab has also issued various instructions on this point from time to time, such as on 23.7.1957, 19.2.1979, 20.9.1979 and 9.1.1980. In the nut shell precise grievance of the present petitioners is that after prolonged litigation the scale of ₹110-250 has been granted to those JST teachers who have acquired higher qualification. However, they have been granted the pay scale of ₹80-250 only instead of ₹110-250. Before filing the instant petition, the petitioners have also sent a legal notice dated 7.7.2009, which is yet to be answered.

4. In response to the notice of motion having been issued, the respondents have filed their reply. A specific plea has been raised with regard to incurative facts having been pleaded and it would not possible for this Court to adjudicate this issue. In this regard averments have been made para No. 1 of the preliminary submissions, which reads as under:

“1.In this regard, it is submitted that the petitioners did not explain the true and actual facts of their case. Mostly the petitioners are retiree and only few petitioners No. 1, 9, 20, 21, 22 are working in

Primary Schools at present as per Annexure P-1. Petitioners did not care to give actual detail, whether he is working on regular or ad-hoc basis. Actual date of passing of F.A./ T.D.C. Part-I, as per particulars of petitioners No.7, 15, 16, 17, 20, 22, 24, 31, 32, 33, 34, 35, 36, 37 to consider the case regarding to award JBT grade 110-250. However, the petitioner did not try to mention whether they are already in receipt of grade of 80-250 or not?. In detail, report of the petitioners are really need to issue speaking order individually of each and every petitioners.”

5. In view of above, we deem it appropriate to dispose of these petitions at this stage and direct the petitioner(s) to file comprehensive representation(s) within four weeks from today. If such representation(s) are received then the Director, Public Instruction (EE), Punjab, Chandigarh-respondent No. 2 decide the same within a period of two months by passing a speaking order. It is made clear that where the representation has already been filed the same shall be considered by respondent No. 2 and disposed of in accordance with law within a period of three months.

6. The writ petitions stands dispose of in the above terms.

(M.M. KUMAR)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

January 31, 2012
Pkapoor

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Sr. No.	CWP No.	Title
1	738 of 2010	Manmohan Lal Sharma and others v. State of Punjab and others
2	2902 of 2010	Shankutla Kumari and others v. State of Punjab and others
3	3213 of 2010	Davinder Singh and others v. State of Punjab and others
4	7894 of 2010	Jagmohan Lal Mittal and others v. State of Punjab and others
5	9962 of 2010	Gurdev Singh and others v. State of Punjab and others
6	10569 of 2010	Dalwinder Singh and others v. State of Punjab and others
7	14112 of 2010	Raj Kumar and others v. State of Punjab and others
8	14304 of 2010	Davinder Kaur and others v. State of Punjab and others
9	22096 of 2010	Avtar Singh and others v. State of Punjab and others
10	9366 of 2011	Karam Singh and others v. State of Punjab and others

(M.M. KUMAR)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

January 31, 2012
Pkapoor