

Office of Director School Education (Secondary) Punjab, Complex Punjab
School Education Board, Block-E, Phase-8, SAS Nagar.
(Establishment-1 Branch)

Order No. E- 911934 E-1(3) /
Dated: S.A.S Nagar: 03-02-2026

To be substituted in place of order no 911934-Estt-1(3)/2025300861-863 Dated: 09.10.2025

Speaking Order

1.0 Sh. Mohit Suri, Lecturer commerce, School of Eminence, Morinda District Roopnagar and 63 others, had filed Civil Writ Petition No. 14961 of 2025 in the Hon'ble Punjab and Haryana High Court with the prayer for issuance of a writ in the nature of mandamus directing the respondents to grant the statutory pay scale to the petitioners as per 2018 Rules viz. 10300-34800+ Grade Pay Rs.5400/- from entry into Service along with arrears and interest at 12% thereon. The petitioners has further prayed for issuance of writ directing the respondents to take into account the statutory pay scale of Rs. 10300-34800+Grade Pay Rs. 5400/- with further pay revisions. The petitioners had further prayed for directing the respondents to quash the instructions dated 17.07.2020 and 21.10.2020 (Annexures P-4 and P-5 respectively).

2.0 The Hon'ble Punjab and Haryana High Court disposed of the petition vide order dated 22.05.2025. The operative portion of the order is reproduced as below:

"Prayer made in the present petition is for directing the respondents to grant the pay scale as per the statutory rules with regard to which reliance is placed on the judgment of this Court in Saurabh Sharma and others vs. State of Punjab and another, CWP-15896-2023, which was allowed on 13.09.2024 against which LPA-2977-2024 has also been dismissed on 10.12.2024. Regarding the claim raised in the present petition, a legal notice dated 14.05.2025, Annexure P-10, has been served upon the respondents, which has yet not evoked any response. She, on instructions, prays that a direction may be given to the respondents to decide the same keeping in view the aforesaid judgment, in a time bound manner, to which learned State counsel has no objection

In view of the above and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to the respondents to decide the legal notice dated 14.05.2025, Annexure P-10, taking note of the aforesaid

judgment, within a period of 6 months, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner. Upon doing so, after notice and hearing offered to them and if found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to their interest, the same shall contain reasons and the petitioners shall be free to seek legal redress thereupon.

In compliance with the above said direction of the Hon'ble Court, speaking order dated 09.10.2025 was issued by the department whereby in the light of instructions dated 03.10.2025 issued by the Finance Department, claim of the petitioners were accepted.

The petitioners were granted personal hearing on 14.01.2026 in the interest of justice to put forth their defence to substantiate their claim in the light of instruction dated 05.01.2026 issued lately by the Department of Finance in this matter. They have claimed the pay scale applicable upon them, according to the applicable rules and refix the pay accordingly.

I have examined the claim raised by the petitioners and also considered the order of Hon'ble Court in CWP No. 15896 of 2023 tiled as Saurabh Sharma and others versus State of Punjab and another in which it was held that all candidate appointed under the same recruitment process are entitled to equal pay as per the 2016 Rules regardless of actual appointment dated in terms of which the present Petition has been disposed of. The relevant portion of the judgment in CWP No. 15896 of 2023 followed in Saurabh Sharma 's case is as under: -

"At this stage , learned counsel for the petitioners submit that though the petitioners have claimed interest but keeping in view the fact that they are only interested in the pay scale as entitled to them under 2016 Rules, they are not pressing their claim for the grant of interest..."

The Service of petitioners are governed by the "The Punjab Educational Service (School and Inspection) Group B Services Rules, 2018 and The Punjab Educational Service (School and Inspection Border Area) Group B Services Rules 2018." Rule 5 of the said rules provide that, "The members of the Service Shall be entitled to such scales of pay as may be authorized by the Department of Finance from time to time"

Accordingly, the approval is hereby accorded to fix the pay of the petitioners as per the above mentioned 2018 rules. Further According to the Punjab Civil Service (Revised Pay) Rules, 2021, notified by the State of Punjab Vide Notification No. 09/01/2021-5FP1/671 dated 05.07.2021, these pay scales are not applicable to

employees recruited on or after 17.07.2020. The relevant part of the said rules is reproduced below: -

" 2 (2) They shall not apply to the (b) Government Employee recruited in the service of State of Punjab or the Punjab Vidhan Sabha on or after 17.07.2020, on whom pay scales on the pattern of the Government of India are applicable."

As per above provision made in the rules, the pay scales as per 6th Punjab Pay Commission are not applicable to the petitioners in this case. .

Subsequently, in compliance of the orders of the Hon'ble High Court in matters related to Saurabh Sharma's case, Department of Finance, Punjab has issued instruction dated 05.01.2026, wherein it has been decided to grant the pay scale to the petitioners/employees which are more beneficial to them. The relevant part of the instruction dated 05.01.2026 is reproduced here under:

" 5. Decision of Government

5.1 After examination, the Government has decided that re-fixation of pay in cases decided on the basis of the judgment in Saurabh Sharma & Ors. vs. State of Punjab & Ors. shall be undertaken as under:

A. Cases where Departmental Pay Scale is Lower than 7th CPC Pay Scale

Where the pay fixed under the Departmental Service Rules (as applicable on the date of appointment) is lower than the pay scale notified on the pattern of the 7th CPC, the pay shall be fixed strictly as per the 7th CPC pay scale, being more beneficial to the employee.

Such cases are already covered under Finance Department letter dated 30.10.2025 and shall not require further re-fixation. This category includes:

- Employees governed by departmental rules mentioning pre-5th PPC pay scales, and*
- Most employees governed by departmental rules mentioning pre-revised 5th PPC pay scales.*

B. Cases where Departmental Pay Scale is Higher than 7th CPC Pay Scale

Where the pay fixed under the Departmental Service Rules is higher than the pay scale notified on the pattern of the 7th CPC, re-fixation shall be carried out as under:

- i) Employees not covered under instructions dated 15.01.2015*

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For employees to whom Finance Department letter No. 7/204/2012-4FP1/66 dated 15.01.2015 is not applicable, and where the salary (Basic Pay + DA*) under Departmental Rules exceeds the salary (Basic Pay+DA**) under the 7th CPC:

- The salary under the Departmental Rules shall be taken as the basis.
- The corresponding basic pay shall be fixed at the same stage, or if not available, at the next higher stage in the 7th CPC pay level notified for the post.

(DA rates shall be applied strictly in accordance with Annexure 'A' as clarified in the earlier instructions.)

Illustration: Annexure 'B'

ii) Employees covered under instructions dated 15.01.2015

- During the probation period, if the minimum pay in the pay band under Departmental Rules is lower than Cell-1 of the 7th CPC pay level, pay shall be fixed at Cell-1, being more beneficial.
- If such pay is lower than applicable DC rates, DC rates shall apply.
- On successful completion of probation, pay shall be fixed strictly as per Para A or Para B(i), as applicable."

Accordingly, in compliance of the orders dated 22.05.2025 passed by the Hon'ble High Court & in light of the above said directions dated 05.01.2026 issued by the competent authority, i.e. The Department of Finance, Punjab, the pay of the Petitioners be re-fixed strictly as per instructions contained in para 5 of the said instruction dated 05.01.2026.

Gurinder Singh Sodhi, P.C.S.

Director of School Education (SE), Punjab

dated: 04.02.2026

Endst. No. Even / 202630365-67

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

1. Secretary to Government of Punjab, Department of School Education (Education-5 Branch), Civil Secretariat (II), Sector-9, Chandigarh.
2. Concerned District Education Officers (SE/EE) to fix the pay of the petitioners after getting it vetted from the Section Officer/DCFA and send the report to this directorate. Copy of letter dated 05.01.2026 is attached for reference w.r.t. fixation of pay.
3. Concerned Petitioners as per List Through D.E.O. (SE/EE)

ਦਫਤਰ ਜਿਲਾ ਸਿਖਿਆ ਅਫਸਰ(ਸੈ.ਸਿ) ਬਠਿੰਡਾ

ਜਿਲਾ ਸਿਖਿਆ ਅਫਸਰ (ਸੈ.ਸਿ) ਬਠਿੰਡਾ

ਪਿਠਾਓਕਣ ਨੰ: ਅ-6/1()2026/1904

ਉਪਰੋਕਤ ਦਾ ਉਤਾਰਾ ਸੰਬੰਧਤ ਸਕੂਲ ਮੁਖੀਆਂ ਜਿਲਾ ਬਠਿੰਡਾ ਨੂੰ ਭੇਜ ਕੇ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਉਕਤ ਆਰਡਰ ਸੰਬੰਧਤ ਪਟੀਸ਼ਨਰਾਂ ਨੂੰ ਨੋਟ ਕਰਾਉਣੇ ਯਕੀਨੀ ਬਣਾਏ ਜਾਣ ਅਤੇ ਕਾਰਵਾਈ ਰਿਪੋਰਟ ਇਸ ਦਫਤਰ ਨੂੰ ਭੇਜੀ ਜਾਵੇ।

ਜਿਲਾ ਸਿਖਿਆ ਅਫਸਰ (ਸੈ.ਸਿ) ਬਠਿੰਡਾ