

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.15433/2013

(Arising out of impugned final judgment and order dated 30-10-2012 in CWP No. 12790/2005 passed by the High Court of Punjab & Haryana at Chandigarh)

BRIJ LAL SALDI & ORS.

Petitioner(s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent(s)

(IA No. 79204/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 1/2017 - INTERVENTION APPLICATION)

Date : 12-03-2024 This mater was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) Mr. R. K. Chopra, Sr. Adv.
Mrs. Reeta Dewan Puri, Adv.
Mr. Ravinder Pratap Singh, Adv.
Mr. Manish Dhingra, Adv.
Mr. P. N. Puri, AOR

For Respondent(s) Mr. Shadan Farasat, A.A.G.
Mr. Karan Sharma, AOR
Mr. Harshit Anand, Adv.

Mr. Subhasish Bhowmick, AOR
Ms. Manisha Pandey, Adv.
Mr. Rahul Kushwaha, Adv.
Ms. Neerja Sharma, Adv.
Mr. Ashutosh Singh, Adv.
Mr. Sohit Bhardwaj, Adv.

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

1. The issue relates to change in pay of employees of the State of Punjab, who had previously worked as Junior Basic Teachers in the Education Department. Previously, under the relevant rules, the employees used to receive pay according to the qualifications they

possessed. However, the State Legislature enacted a law which removed the distinction in salary based on educational qualification. Section 3 of the Punjab Scales Teachers Act, 2004 is as follows:

"3. Grant of pay scales as per rules and notifications-

Notwithstanding anything contained in any instruction, rule or other law for the time being in force and any judgment, decree, order or decision of any Court, Tribunal or Authority, the teachers shall be entitled only to the pay scales of the posts held by them, which were granted under the Punjab Civil Services (Revised Pay) Rules, 1988, read with Finance Department Notification No. 10/3/89-FPI/953, dated the 20th January, 1989 and the State Government Notification No. 11/64/87-2Edu.6/666, dated the 17th February, 1989, irrespective of their qualifications with effect from the 1st day of January, 1986, and nothing more than that shall be payable to them."

2. The above referred statutory provision extends the operation of the 1986 Act with effect from 01.01.1986. In view of the retrospective operation of the Act, pay scales will now be based on posts held by them from 01.01.1986. Petitioners have, however, expressed their concern about recovery of excess pay that they have received.

3. Mr. Shadan Farasat, learned counsel appearing on behalf of the State of Punjab submits that the State is not intending to recover

the difference of higher salary paid to the appellants.

4. In view of the clarification of Mr. Shadan Farasat, AAG, nothing more remains for consideration. Having noted the submission, we dispose of the special leave petition.

Pending application(s), if any, shall also stand disposed of.

(KRITIKA TIWARI)
SENIOR PERSONAL ASSISTANT

(NIDHI WASON)
COURT MASTER (NSH)