

Directorate of School Education (Secondary), Punjab
PSEB Complex, Phase-8, SAS Nagar
(Establishment-I Branch)
E-mail:- dpise.amlal@punjabeducation.gov.in

Order No.694985/E-1(6) 2024/263775-28

Dated, SAS Nagar: 07.10.2024

Speaking Order

1.0 Sh.Vikramjit Singh aged 39 years S/o Babinder Singh R/o VPO Charik, Teh and Distt.Moga present serving as Physics Lecturer, Govt. Girls Senior Secondary School, Charik, Distt. Moga and 8others filed CWP No.11296 of 2024, which has been disposed of by the Hon'ble Punjab and Haryana High Court vide its order dated 15.05.2024, the operative part of which reads as under:-

"5. In view of the above and without commenting on the merits of the case, this petition is hereby disposed of with a direction to the respondents to decide the legal notice dated 23-04-2024 (Annexure P2), 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"

2.0 As per the above directions of the Hon'ble Punjab and Haryana High Court, a personal hearing was offered to the petitioners on 24.09.2024 in which the petitioner Sh.Vikramjit Singh appeared to present his case.

3.0 Whereas, the main grievance of the petitioners is to direct the respondents to refix pay/salary of the petitioners after merging Dearness Allowance @119% instead of 113% in their basic pay w.e.f. 01.01.2016. It is further prayed that the petitioners be held entitle to all the consequential benefits including arrears along-with interest@18% per annum from the date till it became due till its realization.

4.0 Whereas, the arrears of the Dearness Relief @119% w.e.f. 01.07.2015 to 31.12.2015 already stands released to all the pensioners by the State Government vide letter no. 03/01/2021-31PPC(Pari-1)/159, dated 24.05.2023. The arrears of the Dearness Relief @119% w.e.f. 01.07.2015 to 31.12.2015 already stands released to all the

employees of State Government vide letter no. 03/01/2021-1FPP1/ 125-130 dated 24.05.2023.

5.0 Whereas, the Government of Punjab, on the recommendations of the 6th Punjab Pay Commission notified the Punjab Civil Services (Revised Pay), 2021 Rules vide Notification dated 05.07.2021.

6.0 Whereas, on the issue of grant of DA @119% w.e.f. 01.01.2016, after the approval of the Council of Ministers, the Government amended the Punjab Civil Services (Revised Pay), Rules 2021 vide Notification dated 20.09.2021. The relevant provision dealing with the same reads as under:-

"Provided that if the increase in the revised pay fixed under this rule is less than 15% (fifteen percent) over and above what the Government Employee was getting as on 31.12.2015 i.e. existing Basic Pay + Dearness Allowance @113% (one hundred and thirteen percent), Such Government employee shall be entitled to minimum increase of 15% (fifteen percent) over and what the Government employee was getting as on 31.12.2015 i.e. existing Basic Pay + Dearness Allowance @113% (one hundred thirteen percent)"

7.0 It is worthwhile to mention here that for the pensioners also the same methodology is applicable and in view of this, the instructions dated 29.10.2021 were issued for the pensioners. The relevant provision dealing with the same reads as under:-

- i. Existing basic pension/family pension as on 31.12.2015
- ii. Dearness relief @ 113% of Basic Pension/Family Pension.
- iii. 15% (of existing basic Pension/Family Pension+Dearness Relief @113% of Basic Pension/ Family Pension)

The amount of revised pension/family pension so arrived at shall be rounded off to next higher rupee and will be regarded as consolidated pension/family pension with effect from 01.01.2016 and will be treated as basic pension for the purpose of grant of Dearness Relief from 01.01.2016.

8.0 Whereas, the above notification/letter was issued only after tripartite meetings between the State of Punjab, the Employees Union and the Pensioners Association where a mutual consensus was arrived at, whereby, the representatives had duly conceded, minimum increase of 15% (Fifteen percent) over and above what a Government employee was getting on 31.12.2015 i.e. existing Basic Pay + Dearness Allowance @ 113%, which was further approved by the Council of Ministers.

9.0 Whereas, it is evident that a conscious decision was taken by Cabinet Sub Committee/Officers Committee/ Employee Association/ Pensioner's Associations collectively after thorough analyses which was affirmatively consented to by all. Therefore, in pursuance to the above collaborated decision of the Cabinet Sub Committee/Officers Committee/ Employee Association/ Pensioner's Associations and more so, after the issuance of the Notification dated 29.10.2021, the prayer of the petitioner stands settled.

10.0 Whereas, for the implementation of the recommendations of Sixth Punjab Pay Commission/Revision of pension of pre 01.01.2016 pensioners/family pensioners/recipients of extra ordinary pension etc, the following provision was made in the instructions No. 3/1/2021-3fppc/276 dated 29.10.2021 issued by the State:-

" Decision about the payment of arrear of pension with effect from 1st day of January, 2016 to 30th day of June, 2021 shall be taken in due course of time and with effect from 01.07.2021 enhanced pension/family pension in cash shall become payable.

11.0 Whereas, the Government of Punjab has notified the dearness relief @ 4% to all the pensioners/family pensioners of Government of Punjab thereby increasing the existing rate from 34% to 38% w.e.f. 01.12.2023 i.e. payable with the pension/family pension of December 2023, vide Notification No. 03/01/2021-3FPPC/261-267 dated 20.12.2023.

12.0 Whereas, for the payment of arrears of enhanced/revised pension/leave encashment w.e.f. 01.01.2016 to 30.06.2021 is under active consideration. A comprehensive analysis

is underway by taking into consideration all the financial and administrative parameters by the State.

In view of above, the claim of the petitioners is rejected accordingly.

Parnjit Singh P.C.S
Director School Education (Secondary), Punjab

2024263775-78

Endst. No :-Even

Dated: SAS Nagar 09/10/24

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

1. Nodal (Legal Cell), O/o DSE(S) Punjab, S.A.S.Nagar.
2. District Education Officer (S.E.), Moga, Shri Muktsar Sahib, Bathinda, Sangrur and Jalandhar.
3. Concerned School Head.
4. All the petitioners be served through their DEO's and compliance report be sent to this office accordingly.

P. Khaw
Assistant Director (S.E.) 09/10/24

ਦਰਸਾਉ- ਸਿੱਖ ਸਿੱਖਿਆ ਮਹਾਂਮੰਡਲ (ਸੰ. ਸੰ.) ਚਾਪੜੀ,
ਪਿੰਡ ਮੰਡਲੀ, ਜਲੰਧਰ, (72024/1200) ਮਿਤੀ 9-10-24

ਮਹਾਂਮੰਡਲ (ਸਿੱਖ ਸਿੱਖਿਆ) ਸਕੂਲ ਮੁੱਖੀ ਵਿਭਾਗ
ਕੋ ਚੁਣੇ ਵਿੱਚ ਕੀਤੀ ਗਈ ਏ ਵਿ ਫਿਰਮਾ ਮਾ-ਕੋਰਟੇ
ਦੁਆਰਾ ਤਾਂਕੇ ਮਹਾਂਮੰਡਲ ਚਾਪੜੀ ਵਿ ਫਿਰਮਾ ਕੋਰਟੇ
ਯਕੀਨੀ ਚੁਣੇ ਵਿਭਾਗ ਕੋਰਟੇ ਮੁੱਖ ਸਿੱਖਿਆ ਵਿਭਾਗ ਦੁਆਰਾ
ਫਿਰਮਾ ਚੁਣੇ ਵਿਭਾਗ ਚੁਣੇ ਕੀਤੀ

P. Khaw
Assistant Director (S.E.)
ਚੁਣੇ ਸਿੱਖਿਆ (ਸੰ.)
ਚਾਪੜੀ,
9/10/24