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Order No. E-1066398  
Dated: S.A.S Nagar

### Speaking Order

1.0 Rajwinder Singh aged 38 years, son of Harkesh Singh, presently working as a Mathematics Master at Government Middle School, Rasulpur, Block Naushehra pannaun, Tam Tara and 44 others, had filed Civil Writ Petition No. 35755 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 to consider the claim of the petitioners for extending them the benefit of judgment of Hon'ble High Court in case of case Saurabh Sharma and others Vs. State of Punjab and others, CWP 15896 of 2023 decided on 13.09.2024 (Annexure p-5) and followed in many other similar matters including CWP No. 22995 of 2024 Imran Hussain and others Vs. State of Punjab and others (Annexure P-6) decided on 14.10.2024 which principal judgment has been further affirmed by the Hon'ble Division Bench vide judgment/order dated 10.12.2024(Annexure P-10) and further upheld by the Hon'ble Supreme Court vide order dated 20.01.2025 passed in SLP (C) No. 1158/2025 (Annexure P-11), with all consequential benefits, as per their entitlement from the due date till the date of actual benefits and release the same along with interest on its delayed payment of the rate of 12% per annum from the due dated of their entitlement till the date of actual payment in their favour.

2.0 The Hon'ble Punjab and Haryana High Court disposed of the petition vide order dated 02.12.2025. The operative portion of the order is reproduced as below:-

*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 01.05.2025, Annexure P-7, 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."*

I have examined the claim raised by the petitioners through representation dated 08.10.2025 and has also considered the order of Hon'ble Court in CWP No. 15896 of 2023 titled as Saurabh Sharma and others versus State of Punjab and another in which it was held that all candidates appointed under the same recruitment process are entitled to equal pay as per the 2016 Rules regardless of actual appointment date 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 services of petitioners are governed by the "The Punjab Educational (Teaching Cadre) Group C Service 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 Services (Revised Pay) Rules, 2021 notified by the State of Punjab vide notification No. 09/03/2021-SFP1/671 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 employees recruited in the service of the 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 the them. The relevant part of the instruction dated 05.01.2026 is reproduced here under:

"5. Decision of Government

*Munir*

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

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 02.12.2025 passed by the Hon'ble High Court and in light of the above said directions dated 5-1-2026 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 instructions dated 05.01.2026.

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

Endst. No. Even/2026 54052-54 dated: 25/02/2026

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 (S) to fix the pay of the petitioner's after getting it verified from the Section Officer/DCFA and send the report to this directorate.
3. Concerned Petitioners as per List through D.E.O (SE/EE).

  
Assistant Director (Establishment-3)

ਮਿਸਟਰ ਮਿਹਿੰਗਾ ਮਦਨਾ ਕੌਰਿ ਚਰਿਤੀ  
ਪਿਠੇਕਰੇ 2 ਮਿਮ-1/11/2026/1015 ਮਿਤੀ 02-03-2026  
ਪਿਠੇਕਰੇ ਦਾ ਚਿਤਾਵਾ ਮਿਹਿੰਗਾ ਮਦਨਾ ਕੌਰਿ ਚਰਿਤੀ  
ਮਤੇ ਮਗਰੀ ਕਾਰਵਾਈ ਠੀਕ ਤਰੀਕਿਆਂ ਮਾਰਾ  
ਮਿਸਟਰ ਮਿਹਿੰਗਾ ਮਦਨਾ ਕੌਰਿ ਚਰਿਤੀ  
ਚਰਿਤੀ ਚਰਿਤੀ