

OFFICE OF DIRECTORATE OF SCHOOL EDUCATION (SECONDARY)
PUNJAB, SAS NAGAR
(Establishment-1 Branch)

Speaking order

Order No. 857303 Estt-1(3)/
Dated, SAS Nagar: 20-02-206

1.0 Sh. Hamek Singh S/o Shri Gurnam Singh, age 62 years, Lecturer (Retired) Govt. Sr. Secondary School, Mullanpur Garibdass, District S.A.S. Nagar (Mohali) R/o H.No. 1359, Block B. Sector-6, New Chandigarh (Mullanpur), Aadhar no. 364153593344 filed CWP no. 5098 of 2025 titled as Sh. Hamek Singh and others versus State of Punjab and prayed inter-alia as under. -

In the present writ petition, the petitioner is praying for issuance of a writ in the nature of CERTIORARI, quashing the speaking order dated 28.11.2024 (P-16), illegally rejecting the claim of petitioners for grant of benefits of the previous service rendered by them in Government Aided Schools towards fixation of their pay on their joining in Government Schools at par with similarly situated persons who have been granted the said benefits in terms of judgement dated 19.12.2018 (P-4) against which LPA and SLP have been dismissed vide order dated 06.12.2023 (P-8) passed by the Respondents, but the orders rejecting their claim has been passed by misinterpreting the orders of Hon'ble High Court has directed that it is to be counted for pensionary benefits ignoring that by revising their last pay drawn on the date of retirement, ignoring that the claim regarding pay fixation is a recurring cause, which claim cannot be denied on the ground of delay and further contrary to the statement made by respondents in CWP No. 1073/2024 decided on 18.01.2024 (P-13) and order dated 10.12.2024 (P-17) qua the similarly situated persons.

2.0 And Whereas, the Ld. Single Bench vide order dated 04.12.2025 disposed of with following direction to the respondents with following manner: -

"Learned senior counsel appearing on behalf of the petitioner submits that in light of the order passed by the respondents (Annexure P-10 to P-14), the petitioners are also entitled for grant of similar relief as the case of the petitioners is similar to abovesaid similarly situated employee. He, on instructions from the petitioners, submits that the petitioners would be satisfied, if at this stage, direction is given to respondents no.2 to re-consider and decide the case of the petitioners in light of Annexure P-10 to P-14.

Learned counsel appearing on behalf of the respondents-State does not oppose the prayer made by learned senior counsel appearing on behalf of the petitioners.

In view of the above and without commenting upon the merits of the case, the present petition is hereby disposed of with a direction to respondent No.2 to re-consider and decide the case of the petitioners in light of Annexures P-10 and P-14, within a period of 02 months from the date of receipt of certified copy of this order.

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

3.0 And Whereas, the claim of the petitioners in above titled petition in the subject matter and reference thereunder was considered in the light of the official record and rules governing the service conditions of the petitioners. The claim of the petitioners also

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considered in the light of judgment and order passed by the Ld. Single Bench in CWP no. 4629 of 2012, wherein the Hon'ble Court held that the petitioners were working on the aided posts and were being paid 95% by the State with overall control upon their services. The appointments against the aided posts are made with the approval of the Director. As per Section 4 of the Punjab Privately Managed Recognized School (Security of Service) Act, 1979 (for short "the Act"), no employee shall be dismissed, removed, terminated or reduced either in rank or within a time scale except with the prior approval of the Director. As per Section 7 of the Act, while working in the aided schools they were entitled to the scale of pay and dearness allowances equivalent to the employees of the state Government holding corresponding posts.

3.0 And Whereas, the previous service rendered by the petitioners has already been counted for the purpose of qualifying service for pension. There is no break/Gap in service between service rendered by the petitioner in Privately Managed Aided School and Government school. It is further averred that as regard to claim of the petitioners regarding benefit of previous service rendered in Privately Managed Aided School towards fixation of pay protection on joining government service in terms of provisions of rule 4.4 of Punjab Civil Services Rules Volume-1, Part-1. In this regard, it is submitted that the petitioners had joined Government service as Master/Mistress (Master Cadre) in the year between 1988 to 2011, and invoked the jurisdiction of a writ court after gap of 15-35 years, they should had come to the court at the earliest. There is negligence or omission on the part of the petitioners to assert their right. Delay comes in the way of equity. Law does not permit one to sleep and rises like a phoenix. In this backdrop, the petitioners forwarded their claim after the lap of unexplained 15-35 years. Thus the claim of the petitioners for pay protection is not acceptable on the ground of delay and laches.

4.0 In view of aforesaid legal and factual position I, the undersigned has come to the irresistible conclusion that the claim of the petitioner raised in CWP 5098 of 2025 titled as Harnak Singh and others versus State of Punjab is hereby partly accepted qua counting of previous service for pensionary benefits only in terms of judgment and order passed in CWP no. 20867 of 2024, Suresh Kumar Vs. State of Punjab, decided on 28.08.2024, and claim for pay protection is rejected being considered as service benefit which cannot be allowed in terms of orders passed in Suresh Kumar's case. The Drawing and Disbursing Officers are directed to take necessary steps for the compliance of the order meticulously.

Ordered accordingly

Gurinder Singh Sodi P.C.S
Director School Education (Secondary), Punjab
Dated 20.02.2026

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

1. All District Education officer (S.E)/(E.E) Punjab.
2. Concerned petitioners.

Assistant Director School Education

ਦਫਤਰ ਜਿਲ੍ਹਾ ਸਿੱਖਿਆ ਅਫਸਰ (ਸੈ.ਸਿ) ਬਠਿੰਡਾ

ਪਿੱਠ ਅੰਕਣ ਨੰ: ਅ-1/1()2026/1008

ਮਿਤੀ 20.02.2026

ਉਪਰੋਕਤ ਦਾ ਉਤਾਰਾ (Speaking Order- CWP 5098 of 2025) ਸਬੰਧਤ ਸਕੂਲ ਮੁੱਖੀਆਂ ਨੂੰ ਭੇਜਕੇ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਹੁਕਮਾਂ ਅਨੁਸਾਰ ਅਗਲੇਰੀ ਕਾਰਵਾਈ ਕਰਨੀ ਯਕੀਨੀ ਬਣਾਈ ਜਾਵੇ ਅਤੇ ਰਿਪੋਰਟ ਇਸ ਦਫਤਰ ਨੂੰ ਭੇਜੀ ਜਾਵੇ।

ਜਿਲ੍ਹਾ ਸਿੱਖਿਆ ਅਫਸਰ (ਸੈ.ਸਿ)

ਬਠਿੰਡਾ