

20267693

91612026

m-6

-1-

Directorate of School Education (Secondary) Punjab,
PSEB Complex, E-Block, 4th Floor, Phase-8, SAS Nagar,
(Vocational Branch)

Order No. - 727706/

Dated, SAS Nagar, 22.5.26

Speaking Order

Sh. Baldev Singh S/O Harbans Singh Kataria, resident of Street No. 6, Near Green Gas Agency, Lajpat Nagar, District Faridkot and 3 Others filed Civil writ Petition No 19074 of 2025 for directing the respondent department for granting the benefits of revised pay scale of Rs 6400-10640/- from the date of appointment with corresponding revised pay scale as revised from time to time under the light of judgement given by Hon'ble Supreme Court in SLP No. 16629 of 2006 (Converted as Civil Appeal No. 632 of 2008). They also prayed to designate them as vocational lecturer & grant them benefits of revised pay scale of Rs 6400-10640/- from the date of appointment with corresponding revised pay scale as revised from time to time, along with arrears and interest. The Hon'ble Punjab & Haryana High Court disposed of the petition vide order dated 11.07.2025. The operative portion of the order dated 11.07.2025 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 01.02.2025, 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 abovesaid order, I have carefully gone through the contents of order dated 11.07.2025, legal notice dated 01.02.2025 and official record pertaining to the claim of the petitioners, produced before me. After careful perusal of the office record & legal notice it has come to notice that the petitioners are seeking the same revised correspondingly pay scale of Rs 6400-10640 as allowed to the Vocational Masters appointed prior to 08.07.1995 w.e.f. the date of appointment. In this regard it is submitted that the petitioners have relied up the judgement dated 27.04.2005 rendered by the Hon'ble Court in C.W.P.'s No. 7525 of 1995 and 10928 of 2003 upheld by the Hon'ble Supreme Court in Civil Appeal No. 632 of 2008 decided on 18.08.2017. The relevant portion of the order dated 18.08.2017 is reproduced hereunder:-

"In our considered view, the High Court while dealing with the matter on merits, has rightly quashed the letter dated 16.07.2003 and directed the State Government to give benefits of the Notification dated 31.03.1995 to all the Vocational Masters.

In view of the above discussion, we are not inclined to interfere in the decision passed by the High Court. Accordingly, the appeal is dismissed with no order as to costs."

P.T.O

It is further submitted that operative part of the judgment dated 27.04.2005 reads as under:-

ORDER IN CWP No.10928 of 2003

" In view of the above, the letter dated 16.7.2003 (Annexure P-17) is hereby quashed. The petitioners are held entitled to the scale of Rs. 6300-10640. Since the petitioners have been receiving the aforesaid scale on the basis of the interim orders of this court, no further orders are required. No costs.

ORDER IN CWP No.7527 of 1995

The writ petition is allowed. The respondents are directed to give the benefit of the notification dated 31.03.1995 to all vocational Masters recruited prior to 08.07.1995 irrespective of whether they hold the qualification of degree in engineering or I.T.I. diploma."

"Sd/-"
(S.S.NIJAR)
JUDGE 27.4.2005

Here it is pertinent to mention that petitioners of both these writ petitions were recruited prior to 08.07.1995 i.e. the date on which vide notification the posts of Vocational Masters and Vocational Lecturers were included in the Punjab State Education Class-III (School Cadre) Service (First Amendment) Rules, 1995. Hence in compliance with the judgment dated 27.04.2005 rendered in C.W.P. No.10928 of 2003 and C.W.P. No.7527 of 1995, the all petitioners recruited prior to 08.07.1995 have been granted the pay scale of Rs. 6400-10600 irrespective of the their educational qualification after getting concurrence from the Department of Finance in this regard. It is pertinent to mention that this judgment is not applicable to the present petitioners who have been recruited to the post of Vocational Master in terms of Punjab State Education Class-III (School Cadre) Service (First Amendment) Rules, 1995, after 08.07.1995.

It is apposite to mention that claim of the petitioners was considered in the light of instructions dated 28.11.2025 issued by the Department of Finance. The Finance Department has directed vide these instructions that where there is substantial delay between the date of cause of action and filing of petition/ writ, a specific plea of delay & latches must be raised. In the present case the petitioners are fense sitters & have raised their claim after the lapse of almost 29 years in case of petitioner no. 1,2 & 3 & 19 years in case of petitioner no 4, that too after the claim of the petitioners of CWP No. 10928 of 2003 & CWP No 7527 of 1995 was finally settled by the Humble Supreme Court vide order dated 18.08.2017 in Civil Appeal No. 632 of 2008. Hence their claim is barred by delay & latches as they have approached before the Hon'ble court at their own leisure and pleasure. The claim of the petitioners is stale. The Hon'ble Supreme Court of India held that a stale claim should not have been entertained by the Tribunal and accepted by the High Court in Chennai Metro politan Water Supply & Sewerage Board Vs. T.T. Murali Babu reported in 2014(4) SCC 108, at para no. 16 & 17, the Hon'ble Supreme Court held as follows :-

Thus, the doctrine of delay & latches should not be lightly brushed aside. A writ court is required to weigh the explanation offered & the acceptability of the same. The court should bear in mind that it is exercising an extraordinary & equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to, scrutinize whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay & latches may not be fatal but in most circumstances

P.T.O

inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant, a litigant who has forgotten the basic norms, namely, "procrastination is the greatest thief of time." And second, law does not permit one to sleep & rise like a phoenix. Delay does being in hazard & causes injury to the lis.

Further in State of M.P. & others etc VS Nandlal Jaiswal and others etc., AIR 1987 SC 251, Hon'ble the Apex Court observed that :-

"It is well settled that power of the High Court to issue an appropriate writ under Article 226 of the Constitution is discretionary and the High Court in exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. It has been further stated therein that if there is inordinate delay on the part of the petitioner in filing a petition and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in the exercise of its writ jurisdiction. Emphasis was laid on the principle of delay and laches stating that resort to the extraordinary remedy under the writ jurisdiction at a belated stage is likely to cause confusion and public inconvenience and bring in injustice."

In Suraj Mal vs. State of Haryana reported as 2015 (1) SCT 31 wherein it has been held as under :-

"9. In view of the above authoritative enunciation of law by Hon'ble the Supreme Court and this Court, the present writ petition filed by the petitioner nearly after 9 years of his retirement to claim certain benefits, which are due to him while in service, certainly deserves to be dismissed on account of delay and laches as there is no satisfactory explanation available for delay."

In present case there is an inordinate delay on the part of the petitioners to raise their claim for back date granting the benefit of revised pay scale of Rs 6400-10640/- from the date of their appointment i.e. w.e.f. 1997 & 2007 respectively, thereby their such claim cannot be considered at the belated stage.

After due consideration of the facts & circumstances of the case, I have come to the conclusion that the petitioners did not raise their claim for revised pay scale of Rs 6400-10640/- from the date of their appointments within reasonable time & their claim raised through legal notice dated 01.02.2025 being barred by delay & laches is hereby rejected.

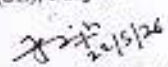
(Sakatar Singh Bal)
Director School Education (Secondary), Punjab

Dated, S.A.S. Nagar: 22.5.26

Encl. No.:- Even 22/145/55
A Copy is forwarded to the following for information and necessary action:-

- 1. All District Education Officer (S.E), Punjab.
- 2. Baldev Singh S/O Harbans Singh Kataria, resident of Street No. 6, Near Geena Gas Agency, Lajpat Nagar, District Faridkot.
- 3. Jasbir Singh Sekhon, S/O Jai Singh resident of Harindra Nagar, Near Baba Farid Public School, Kotkapura.
- 4. Major Singh S/O Nihal Singh, Resident of H.No. 2294, Ward No. 2, Near Sai Mandir, Professor Colony Mansa.
- 5. Karandeep Singh S/O Ravinder Singh Kalsi Resident of Street No.1 (Left), Dogar Basti Faridkot.

Above Petitioners through concerned District Education Officers (SE), Punjab.


Assistant Director (Vocational)

ਦਫਤਰ ਜਿਲਾ ਸਿਖਿਆ ਅਫਸਰ(ਸੈ.ਸਿ) ਬਠਿੰਡਾ

ਪਿਠਾਅੰਕ ਨੰ: ਅ-6/1()2026/ 1987

ਮਿਤੀ 11.6.2026

ਉਪਰੋਕਤ ਦਾ ਉਤਾਰਾ ਸੰਬੰਧਤ ਸਕੂਲ ਮੁਖੀਆਂ ਨੂੰ ਭੇਜ ਕੇ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਉਕਤ ਸਪੀਕਿੰਗ ਆਰਡਰਾਂ ਨੂੰ ਸੰਬੰਧਤ ਪਟੀਸ਼ਨਰਾਂ ਨੂੰ ਨੋਟ ਕਰਾਉਣਾ ਯਕੀਨੀ ਬਣਾਇਆ ਜਾਵੇ ਅਤੇ ਕਾਰਵਾਈ ਰਿਪੋਰਟ ਇਸ ਦਫਤਰ ਨੂੰ ਭੇਜੀ ਜਾਵੇ।


11/06/26
ਜਿਲਾ ਸਿਖਿਆ ਅਫਸਰ (ਸੈ ਸਿ)
ਬਠਿੰਡਾ