OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTIONS  
(SECONDARY EDUCATION) PUNJAB

Order No. 12/64-2014 Est-1 (1-2) 
Dated, SAS Nagar: 16.01.2015

Whereas in Civil Writ Petition No. 23731 of 2013 Mamta daughter of Sh. Jagdish Rai, Head Mistress, Government High School, Bhulana District Kapurthala and others Vs. State of Punjab and others, the petitioners, who are at present working as Headmasters/Headmistresses, has challenged the seniority of Headmasters/Headmistresses and have claimed that their seniority in the cadre of Headmasters/Headmistresses should be prepared on the basis of their merit determined by the Departmental Selection Committee in view of the provisions contained in the Punjab State Education Class- 3(School Cadre) Rules, 1978.

2. Whereas according to official records, 431 posts of Headmasters/Headmistresses were filled up by way of direct recruitment in the year of 2006 through C-DAC. At that time as per prevailing instructions of the State Government, a condition No. 15 was laid down in the appointment letters of the selected candidates which reads as under:-

"He/She will not be paid any TA/DA for joining the place of posting. He/She will not be entitled to any benefit, whatsoever, under the existing pension/family pension scheme. The provisions of new contributory pension scheme to be notified by the govt. shall be applicable to him/her".

Whereas the candidates those were not in government service had joined their duty, but those who were working as a Master or against any post on regular basis, had not joined duty within stipulated period owing to non-admissibility of pensionary benefits. Such candidates filed Civil Writ Petition No. 19092 of 2006 in the Punjab and Haryana High Court challenging the above said condition. The Hon'ble Punjab and Haryana High Court vide order dated 12.12.2006 directed to offer appointments to the petitioners of the said writ petition with the condition that the above said condition will not affect them.

3. Whereas the Finance Department vide its letter No. 6/10/2008- 6 F.P.P.2/723, dated 24.10.2008 issued instructions to the effect that the New Defined Contributory Pension Scheme will not be applicable to those Punjab Government employees who were in service prior to 1.1.2004 and who have been appointed to some other post and old pension scheme shall continue to be applicable to them.

4. Whereas in the year of 2013 at the time of preparation of seniority of Headmasters, the candidates who had not joined within permissible joining period due to insertion of clause 15 in the appointment letter were given seniority in the cadre of Headmasters from the day they have actually resumed duty.
8. The pay of the above said officers shall be re-fixed from date of their initial appointment as Headmaster/Headmistress by the concerned Drawing and Disbursing Officers taking into account the fact that initial selection and appointments of similarly situated persons were made in the Month of December, 2006. However, It is made clear that these orders are subject to the stipulation that admissible benefits arising out of the above seniority shall be given on notional basis and no arrears of pay will be given in any circumstances.

(Balbir Singh)
Director of Public Instruction(SE) Punjab.

Endt.no. Even
Dated: 16.1.2015
A copy is forwarded to the following for information and necessary action:
1. Principal Secretary to Government of Punjab, Department of School Education (Education-2 branch), Chandigarh.
2. Circle Education Officer, Patiala Division at Nabha, Jalandhar and Faridkot.
3. All the District Education Officers (SE) in the State of Punjab with the direction to forward the complete documents such as appointment orders, joining reports, etc of similarly situated employees if any, not included in the present order within one week.
4. Director General School Education, Punjab with a request to upload this order on website.
5. Registrar, Education Department, Punjab (Services-1 Branch).

Assistant Director (S.A.-1)