



CWP-6863-2005 (O&M)

- 1-

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

843

Date of decision: 29.04.2025

CWP-6863-2005 (O&M)

Baldev Singh and others vs. State of Punjab and others

CWP-8318-2005 (O&M)

Nirmal Singh and others vs. State of Punjab and others

CWP-8759-2005 (O&M)

Usha Rani and others vs. State of Punjab and others

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

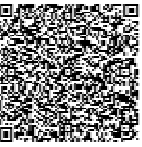
Present : Mr. Inayat Khullar, Advocate,
for the petitioners in CWP-6863-2005 and
CWP-8318-2005.

Ms. Alka Chatrath, Advocate
for the petitioners in CWP-8759-2005.

Mr. Amarpreet Singh Bains, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. These cases involve similar issues and therefore, are being disposed of together and for the sake of brevity, the facts are being taken from CWP-6863-2005.
2. Prayer made in the present petition is for quashing the impugned Act namely 'The Punjab Pay Scale of Teachers Act, 2004' and directing the respondents not to withdraw the benefit of higher pay scale as also not to effect the recovery.
3. Learned counsel for the petitioners refer to the order dated 02.05.2006 whereby the Division Bench while admitting the petition had stayed



the recovery and they restrict the prayer only to that extent and disposal of the petitions in terms of the judgment in **Brij Lal Saldi and others vs. State of Punjab and others**, SLP(C) No.15433/2013, decided on 12.03.2024, which learned State counsel, despite best efforts, was unable to resist by distinguishing the same, which reads thus:-

“1. The issue relates to change in pay of employees of the State of Punjab, who had previously worked as Junior Basic Teachers in the Education Department. Previously, under the relevant rules, the employees used to receive pay according to the qualifications they possessed. However, the State Legislature enacted a law which removed the distinction in salary based on educational qualification. Section 3 of the Punjab Scales Teachers Act, 2004 is as follows:

“3. Grant of pay scales as per rules and notifications- Notwithstanding anything contained in any instruction, rule or other law for the time being in force and any judgment, decree, order or decision of any Court, Tribunal or Authority, the teachers shall be entitled only to the pay scales of the posts held by them, which were granted under the Punjab Civil Services (Revised Pay) Rules, 1988, read with Finance Department Notification No. 10/3/89-FPI/953, dated the 20th January, 1989 and the State Government Notification No. 11/64/87-2Edu.6/666, dated the 17th February, 1989, irrespective of their qualifications with effect from the 1st day of January, 1986, and nothing more than that shall be payable to them.”

2. The above referred statutory provision extends the operation of the 1986 Act with effect from 01.01.1986. In view of the retrospective operation of the Act, pay scales will now be based on posts held by them from 01.01.1986. Petitioners have, however, expressed their concern about recovery of excess pay that they have received.

3. Mr. Shadan Farasat, learned counsel appearing on behalf of the State of Punjab submits that the State is not intending to recover the difference of higher salary paid to the appellants.

4. In view of the clarification of Mr. Shadan Farasat, AAG, nothing more remains for consideration. Having noted the submission, we dispose of the special leave petition.

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

4. The present petitions are disposed of in terms of **Brij Lal Saldi** (supra).



CWP-6863-2005 (O&M)

- 3-

5. Photocopy of this order be placed on the connected files.

**(AMAN CHAUDHARY)
JUDGE**

29.04.2025

parveen kumar

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No