

The Punjab Pay Scales of Teachers Act, 2004

PUNJAB

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Act 1 of 2005

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The Punjab Pay Scales of Teachers Act, 2004 Punjab Act No. 1 of 2005 Statement of Objects and Reasons - Vide circular Letter No. 5058-FR-2- 57/5600, dated 23rd July, 1957, the teachers working in the Department of Education were placed in Two Broad Categories i.e. Category A and Category B according to their Qualifications and it was further provided that they shall be given pay scales specified in that letter. The Department of Finance reconsidered circular letter, dated 23-7-1957, vide instructions No. 9/9/79-FR-2-143 dated 19th Feb. 1979 and decided that the benefit of higher pay scales on the basis of qualifications shall be allowed to only those teachers who were appointed up to 19th Feb. 1979 or who improved their qualification up to that and not thereafter. On the recommendations of the Third Pay Commission, the teachers were given the specify pay scales, vide Notifications No. 11/64/87-2 Edu. 6/666 dated 17-2-1989 issued under the provision of Punjab Civil Services (Revised Pay) Rules, 1988 read with a Notification No. 10/3/89-FP1/953, dated 20-1- 1989. This has created disparity between similarly placed teachers in the same cadre i.e. those who possessed or improved their qualifications on or before 19-2-1979, and those who were appointed before 19-2-1979 but acquired similar qualifications after the said date; and those with similar qualifications but were appointed after 19th February, 1979. Therefore, all teachers irrespective of the qualifications they possess should be paid the pay scales of the post on which they have actually been appointed notwithstanding any judgment, decree, order or decision of any Court/Tribunal/Authority. In order to remove the disparity between similarly situated teachers performing same duties and working on the same posts, an Act is required. However, while enacting the Act, care is being taken to protect the payments already made to the teachers up to 31-12-1985 in pursuance of the decision of various Courts so that no undue hardship is caused to the teachers at large and to avoid multiple litigation. Hence this Bill. Published by Punjab Government Gazette (Extraordinary), dated December 14, 2004, Page 1698. No. 1-Legislative/2005. - The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 31st December, 2004, and is hereby published for general information :-An Act to provide for granting of pay scales to teachers as per rules with effect from the 1st day of January, 1986 and for the matters connected therewith or incidental thereto. Whereas the Finance Department, - vide its executive instructions issued, - vide circular letter No. 5058-FRII-57/5600, dated the 23rd July, 1957, while revising pay scales of Government servants, had provided that the teachers in the Education

Department shall be placed in two broad categories, namely, category 'A' and category 'B' according to their qualifications mentioned therein and had further provided that they shall be given pay scales specified in that letter; Whereas the Finance Department, - vide its instructions No. 9/9/79-FR(2)/143, dated the 19th February, 1979, reconsidered circular letter No. 5058-FRII- 57/5600, dated the 23rd July, 1957 and decided that the benefit of higher pay scale on the basis of the qualifications shall be allowed to only those teachers, who were appointed up to the 19th February, 1979 or who improved their qualifications up to that date and not thereafter; Whereas the pay scales on the basis of the possession or acquisition of qualifications mentioned in circular letter No. 5058-FRII-57/5600, dated the 23rd July, 1957, continued to be allowed to the teachers up to the 31st day of December, 1985; Whereas on the basis of the recommendations of the Third Pay Commission, the Finance Department framed the Punjab Civil Services (Revised Pay) Rules, 1988 for granting revised pay scales to all the employees of different departments of the Punjab Government and in pursuance of these rules, read with Finance Department Notification No. 10/3/89-FPI/953, dated the 20th January, 1989, the State Government, - vide its Notification No. 11/64/87- Edu.6/666, dated the 17th February, 1989, granted the specific pay scales according to the post held by a teacher with effect from the 1st day of January, 1986; Whereas consequent upon granting the specific pay scales by the State Government, - vide the aforesaid statutory rules and notifications, the executive instructions of the Finance Department issued, - vide its circular letter No. 5058-FRII-57/5600, dated the 23rd July, 1957 (which entitled the teachers to higher pay scales merely on the basis of qualifications although actually holding posts of lower pay scales which resulted in creating a different class leading to disparity and discrimination between similarly situated teachers i.e. those who were appointed on or before the 19th February, 1979 and those who were appointed after the 19th February, 1979 even though they were possessing the same basic qualifications as per the service rules and were working on the same post, performing same duties and responsibilities), stood superseded and no benefit of higher pay scales can be claimed by the teachers or be given to them on the basis of these executive instructions with effect from the 1st day of January, 1986; And whereas in these circumstances, it is expedient to enact a law in public interest to remove disparity and discrimination within the same class of teachers and to avoid undue and un-reasonable financial liabilities on the State exchequer. Be it enacted by the Legislature of the State of Punjab in the Fifty-fifth Year of the Republic of India as follows :-

1. Short title and commencement.

(1) This Act may be called the Punjab Pay Scales of Teachers Act, 2004. (2) It shall be deemed to have come into force on and with effect from the 1st day of January, 1986.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a) "Finance Department" means the Department of Finance of the State of Punjab; and (b) "State Government" means the Government of the State of Punjab in the Department of Education.

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 judgement, 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.

4. Protection for actions taken in good faith.

- No suit, prosecution or other legal proceedings shall lie against the State Government or any officer or employee of the State Government for anything, which is done or intended to be done in good faith under this Act.

5. Bar of jurisdiction.

- No Civil Court shall have jurisdiction to entertain any suit or proceedings in respect of any matter arising under or connected with this Act.

6. Repeal and savings.

(1)The Punjab Pay Scales of Teachers Ordinance, 2004 (Punjab Ordinance No. 11 of 2004), is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of this Act.