

PART I

**DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS,
PUNJAB**

Notification

The 7th January, 2005

No. 1-Leg./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 :—

THE PUNJAB PAY SCALES OF TEACHERS ACT, 2004

(Punjab Act No. 1 of 2005)

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. 11/64/87-2Edu.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. (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. In this Act, unless the context otherwise requires,—

Definitions.

(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. 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.

Grant of pay scales as per rules and notifications.

4. 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.

Protection for actions taken in good faith.

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

Bar of jurisdiction.

6. (1) The Punjab Pay Scales of Teachers Ordinance, 2004 (Punjab Ordinance No. 11 of 2004), is hereby repealed.

Repeal and savings.

(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.

HARBANS SINGH,

Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.