

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CR No. 3575 of 2015

Date of Decision: 25.05.2015

Guru Teg Bahadur Education Trust and another

.....Petitioners

Vs.

Onamdeep Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Deepak Gupta, Advocate,
for the petitioners.

SABINA, J.

Petitioners have filed this petition challenging the order dated 11.03.2015.

I have heard learned counsel for the petitioners and have gone through the record, available on the file carefully.

Plaintiff has filed suit for declaration to the effect that he was entitled to receive revised pay scale as per 5th Pay Commission and notification of AICTE New Delhi w.e.f. 06.10.1997. During the pendency of the suit, plaintiff moved an application for production of original documents.

Plaintiff had sought production of the following documents:-

“a) Letter No. CH/CC/1012 Dated

12.03.2012 issued by Principal to controlling

*authority and Assistant Labour Commissioner,
Moga.*

b) Letter of request for promotion to senior scale dated 05.10.2005, 11.10.2005 dated 23.09.2009 recommended by defendant No. 12 on 24.09.2009, dated 29.09.2004 received by defendant No. 2 and dated 20.10.2009 strongly recommended by defendant No. 12 and Diary Dispatch Register of Applied Science Department.

c) Trust order No. 1 vide endorsement No. CH/C-13/3499-3450 dated 27.07.2006.

d) Resolution of trust dated 24.01.2001.

e) Letter issued by Punjab State Board of Tech Education endorsed by Principal vide No. CH/A.1/3698 dated 20.09.2005.

f) Appointment letter of Onamdeep Singh as Lecturer Physics.

g) Service book and ACR's of Onamdeep Singh from 1997 to 2010.

h) Officer order No. 236 dated 31.12.1998 for confirmation of Onamdeep Singh and letter No. CH/PF/491 dated 16.02.1999.

i) Trust deed of the Guru Teg Bahadar Education trust duly registered Indian Trust Act.

j) Acceptance of resignation of Onamdeep Singh vide No. CH/PF/4803 dated 26.10.2010.

k) Attendance register of classes taught by Onamdeep Singh from 1997 to 2010 and attendance date complied by college for issuance of roll numbers to students with attendance more

than 75% as per PSBTE and IT guidelines.

*I) Notification of Fifth Pay
Commission issued to all Polytechnic colleges.
Photocopies attached herewith.”*

Petitioners in their reply to the said application had not specifically denied the existence of the said documents.

In these circumstances, the learned trial Court rightly held that since the existence of the documents mentioned in para No. 2 of the application, moved by the plaintiff had not been specifically denied by the defendants in their reply, therefore, they were deemed to be admitted. The application moved by the plaintiff was, thus, rightly allowed by the trial Court.

Hence, no ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

May 25, 2015
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