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C.W.P. No. 12458 of 1997

ARYA GIRLS HIGH SCHOOL V/S STATE OF HARYANA AND ORS

Present: Ms. Sushma Verma, Advocate with
Mrs. Kailash Sharma, Head Mistress,
Arya Girls High School-petitioner

* * * *

Phool Wati, a class IV employee of Arya Girls High School, B.C. Bazaar, Ambala Cantt. had filed a petition before the Controlling Authority under the Payment of Gratuity Act, Ambala-Panchkula for payment of certain amount. That application was disposed of by the Controlling Authority on 24.9.1996 by observing "in the light of my aforesaid findings, the respondent is directed to pay a sum of Rs.9117/- alongwith simple interest @ 10% w.e.f. 7.9.1995 till the date, the payment is actually made." Arya Girls High School (hereinafter called 'the School') filed an appeal against that order before the Labour Commissioner, Haryana Chandigarh (the Appellate Authority under the Payment of Gratuity Act). However, that appeal was dismissed vide order dated 16.1.1997. The School filed a writ petition No.12458 of 1997 against the aforesaid two orders dated 24.9.1996 and 16.1.1997.

On August 27, 1997 the Admitting Bench passed the following order:

"Notice of motion for November 13, 1997.

If the petitioner deposits the amount awarded

by the Authority in this Court by September 12, 1997, the

proceedings for recovery shall remain stayed."

Phool Wati was arrayed as respondent No.2 in the writ petition.

On November 17, 1997 the Admitting Bench passed the following order:

“No one appears for respondent No.2 in spite of service.

Proceeded ex-parte.

Admitted.”

It may be observed here that pursuant to the order dated August 27, 1997 the petitioner-School deposited a sum of ₹11,168/- in the Hon'ble High Court on 11.9.1997. Nobody had appeared for respondent No.2-Phool Wati.

Mrs. Kailash Sharma, Head Mistress of the School is present. She has stated that as per the information collected by her Phool Wati has since expired. Phool Wati had never appeared before the High Court nor before us and she is not being represented by any Advocate.

Mrs. Kailash Sharma, Head Mistress of the School has made a separate statement today to the effect that she has the authority from the School to make a statement to withdraw the writ petition. She has stated that this writ petition may be dismissed as withdrawn.

Since respondent No.2-Phool Wati has expired and she herself never appeared before the High Court or through any counsel, no legal representatives of her's have been brought on record.

It has been brought to our notice by the Head Mistress of the School that there is one daughter of Phool Wati by the name Smt. Meena w/o Sh. Santosh Saini, who according to the information gathered by her, resides in B.C. Bazaar Ambala Cantt.

Since the money deposited by the School with Punjab & Haryana High Court pursuant to the order dated 27.8.1997 had to be disbursed to respondent No.2-Phool Wati. In view of the fact that writ petition by the School is being withdrawn and further since Phool Wati is dead, the money has to be paid to the heirs of Phool Wati.

Under the peculiar circumstances of this case, we hereby order that the money deposited by the School, as mentioned above, may be released by the Registrar, Punjab & Haryana High Court to the Head Mistress of the School or any other person authorized by the Head Mistress by way of crossed-cheque to be drawn in favour of Arya Girls High School, B.C. Bazaar, Ambala Cantt.

Let the Head Mistress, after the money is released by the High Court to her, put that money in the savings bank account of the School and ask Smt. Meena w/o Sh. Santosh Saini to come to the School with the information as to whether Phool Wati has left behind any other child/children and if so, Smt. Meena should provide their names and addresses. After the same is done then the Head Mistress may release that money along with interest, if any, accrued from the date of deposit of the amount till date of release of the money, to Smt. Meena and in case there are more children of Phool Wati then the money should be divided equally.

As per the statement made by the Head Mistress, this writ petition is dismissed as withdrawn.

Copy of the order and statement be supplied/sent to the counsel/parties and file be returned to the High Court.

(R.S.MONGIA)
PRESIDENT

27.02.2015
Janki

(R.K.NEHRU)
MEMBER