

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

CWP-1076-2012 (O&M)
Date of decision : 05.05.2015

Inderjit Kaur and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vikas Kuthiala, Advocate for the petitioners.

Mr. Ashok Kumar, DAG, Haryana.

JITENDRA CHAUHAN, J. (Oral)

The petitioners, who were appointed by respondent No.3, Khalsa High School, Ambala City, against sanctioned posts have not been paid the retiral benefits. Petitioner No.1 retired on 31.01.2005, whereas, petitioner Nos.2 and 3 retired on 31.05.2002 and 30.04.2009, respectively.

It is contended that the school was being run by respondent No.4. However, due to some crisis in the management, an Administrator was appointed on 06.07.2006. The school is presently being run under the supervision and control of the District Education Officer, Ambala City. The learned counsel for the petitioners states that the petitioners are covered by the Haryana School (Special Pension

and Contributory Provident Fund) Rules 2001. He states that in spite of repeated representation, the retial benefits have not been paid.

On the other hand, the learned counsel for the respondents states that the necessary relief could not be allowed to the petitioners as the Management had not submitted Form I, and the petitioners had not submitted Form II.

I have heard the rival contentions of the learned counsel for the parties and perused the paper book with their able assistance.

It is admitted position that since 06.07.2006, the management of the school is not functional and the school is being run by the Administrator appointed by the State. The fact that the petitioners were appointed with the school which is an aided school against the duly sanctioned posts on regular basis is also not in dispute.

Considering the fact that the school is being run by the Administrator, being the representative of the State, the ground taken by the State that Form I has not been furnished by the Management to the State is not tenable.

Accordingly, the Administrator is directed to obtain the necessary documents/forms from the petitioners and carry out necessary exercise including submission of Forms I and II to the State, within three months from the date of receipt of a certified copy of this order. The consequential relief be released in favour of the petitioners

within six weeks thereafter, in accordance with the Rules.

The petition is disposed of in the above terms.

05.05.2015

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**(JITENDRA CHAUHAN)
JUDGE**

Note : Whether to be referred to Reporter : Yes / No