

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

(1) CWP-17086-2014 (O&M)
Date of decision : 06.05.2015

Radhey Shyam Gupta and others

...Petitioners

Versus

State of Punjab and others

...Respondents

(2) CWP-20196-2014 (O&M)
Date of decision : 06.05.2015

Sri Guru Angad Dev College, Khadur Sahib

...Petitioner

Versus

The State of Punjab and others

...Respondents

(3) CWP-20149-2014 (O&M)
Date of decision : 06.05.2015

DAV College of Education for Women, Amritsar

...Petitioner

Versus

State of Punjab and others

...Respondents

(4) CWP-20210-2014 (O&M)
Date of decision : 06.05.2015

J.C. DAV College, Dasuya

...Petitioner

Versus

State of Punjab and others

...Respondents

(5) CWP-18934-2014 (O&M)
Date of decision : 06.05.2015

S.L. Bawa D.A.V. College, Batala

...Petitioner

Versus

State of Punjab and others

...Respondents

(6) CWP-19355-2014 (O&M)
Date of decision : 06.05.2015

B.B.K. D.A.V. College for Women, Amritsar

...Petitioner

Versus

State of Punjab and others

...Respondents

(7) CWP-19386-2014 (O&M)
Date of decision : 06.05.2015

R.R. Bawa DAV College for Girls, Batala

...Petitioner

Versus

State of Punjab and others

...Respondents

(8) CWP-19388-2014 (O&M)
Date of decision : 06.05.2015

Lajpat Rai DAV College, Jagraon

...Petitioner

Versus

State of Punjab and others

...Respondents

(9) CWP-19393-2014 (O&M)
Date of decision : 06.05.2015

DAV College for Women, Ferozepur Cantt.

...Petitioner

Versus

State of Punjab and others

...Respondents

(10) CWP-20148-2014 (O&M)
Date of decision : 06.05.2015

Mata Misri Devi D.A.V. College, Giddarbaha

...Petitioner

Versus

State of Punjab and others

...Respondents

(11) CWP-20479-2014 (O&M)
Date of decision : 06.05.2015

D.A.V. College of Education, Abohar

...Petitioner

Versus

State of Punjab and others

...Respondents

(12) CWP-20481-2014 (O&M)
Date of decision : 06.05.2015

Hans Raj Mahila Mahavidhyala, Jalandhar

...Petitioner

Versus

State of Punjab and others

...Respondents

(13) CWP-20515-2014 (O&M)
Date of decision : 06.05.2015

Gopichand Arya Mahila College, Abohar

...Petitioner

Versus

State of Punjab and others

...Respondents

(14) CWP-20555-2014 (O&M)
Date of decision : 06.05.2015

D.A.V. College, Abohar

...Petitioner

Versus

State of Punjab and others

...Respondents

(15) CWP-21050-2014 (O&M)
Date of decision : 06.05.2015

D.A.V. College, Malout

...Petitioner

Versus

State of Punjab and others

...Respondents

(16) CWP-21052-2014 (O&M)
Date of decision : 06.05.2015

D.A.V. College, Amritsar

...Petitioner

Versus

State of Punjab and others

...Respondents

(17) CWP-21055-2014 (O&M)
Date of decision : 06.05.2015

D.A.V. College, Jalandhar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sameer Sachdeva, Advocate,
Mr. Nitin Kaushal, Advocate,
Mr. Aman Chaudhary, Advocate,
for the petitioner(s).

Ms. Harsimrat Rai, DAG, Punjab.

Mr. Shrey Goel, Advocate.
Mr. Rishabh Gupta, Advocate.

JITENDRA CHAUHAN, J.

This judgement shall dispose of seventeen writ petitions captioned above, filed on behalf of similarly situated retired employees and some private colleges seeking release of Contributory Provident Fund and grant-in-aid from the State Government. The petitioners in CWP No.17086 of 2014 are retired Lecturers from Government Aided College-Guru Nank College, Killianwali, District Muktsar, whereas, the petitioners in rest of the petitions are the managements of the Government Aided Colleges.

The petitioners in CWP-17086-2014 retired from

respondent No.4-College. The petitioners have sought the payment of CPF as per statutory rate of 10% of the total salary, claiming to be at par with the teachers of AS College Khanna and Arya College, Ludhiana. This Court, vide order dated 06.07.2010, in a bunch of writ petitions, directed the respondents to release the payment/arrears to the retired teachers like the petitioners in these writ petitions, along with interest @ 9% per annum. The review petition and LPA filed by the respondents in said writ petitions were dismissed vide order dated 03.03.2011 and 05.04.2011, respectively. In the SLPs preferred by the State/Colleges, the Hon'ble Supreme Court has ruled that the payment to all the teachers shall be released without fail. In spite of the legal notices, the respondents are not releasing the CPF to the petitioners.

In rest of the petitions, the management of the Government Aided Colleges have sought the similar relief against the State to release 85% grant in aid.

I have heard learned counsel for the parties and perused the record with their able assistance.

In CWP No.17086 of 2014, the Management contested the writ petition on the ground that the State has failed to provide grant in aid to the answering respondent totaling to an amount of more than Rupees one crore from 01.03.2014 onwards.

The same controversy arose in CWP No.8774 of 2004, titled as ***R.G. Gupta and others Vs. State of Punjab and others***,

decided on 06.07.2010. After discussing the relevant provisions of law, this Court held as under:-

“Since there is no dispute regarding the admissibility of benefit of Contributory Provident Fund which is to be calculated at the rate of 10% of the salary which has been termed to include pay and allowances except the house rent allowance in terms of Para 12.3 of the Panjab University Calendar Chapter VIII (E) Vol. 1, the Court is of the opinion that the writ petition deserves to succeed. The Court is also of the opinion that respondent no.4 could not have withheld such a benefit from the petitioners on the ground of paucity of funds. It therefore directs respondent No.4 to release the amount due to the petitioners by calculating it in accordance with the terms of Rule 12.3 Para 2 forthwith and release these benefits to the petitioners within a period of two months from today. The respondent State of Punjab shall reimburse this amount after such a payment has been made within a period of three months from the time when a claim for such reimbursement is lodged with them. There shall be no deviation in making such payments by the respondents whether it is in the

shape of payment to the petitioners in the first instance by respondent no.4 or in the shape of reimbursement by respondent nos.1 to respondent no.4. The amount shall be reimbursed to the petitioners alongwith interest at the rate of 9% from the date when it became due. The other benefits such as leave encashment and gratuity which were released to the petitioners belatedly shall also carry interest at the rate of 9% p.a. from the date when they were due till the date when the payment was made. The liability to pay the same would be of respondent no.4.

Both petitions stand allowed.”

In a bunch of SLPs filed by the management of various colleges, including the SLP(Civil) No.13110 of 2008, titled as Mang. Comm. S.S.D. Girls College and others Vs. State of Punjab & ors., decided on 26.11.2013, the Hon'ble Apex Court held as under:-

“7. We note that in these matters, there has been an interim order dated 2nd April, 2009, whereby the College management were required to make these payments and then seek reimbursements from the State Government. This arrangement will apply to all the teachers until the revived writ

petitions are decided. We make it clear that this arrangement will also be subject to the result of those writ petitions, which we expect the High Court to decide at the earliest.”

Similarly, from time to time, this Court has been issuing time bound directions to the State to release the amount of CPF. Main decision relied upon by the petitioner is CWP No.14340 of 2006, titled as ***Arya College Vs. State of Punjab***, decided on 18.12.2007, wherein, it has been held that in case of any dereliction or delay in release of grant in aid, senior officers of the State shall be held to be personally liable.

With respect to CPF, the petitioner has relied upon decision in CWP No.8774 of 2004 (supra) wherein, it is settled that the colleges would make the payment to the teachers, thereafter, the State shall release the payment to colleges under the Grant in Aid Scheme. Keeping in view the various pronouncements of this Court, this Court has come to the conclusion that the present writ petitions are squarely covered by the decision of CWP No.8774 of 2004 (supra) and the same relief ought to have been granted to the petitioners herein.

Accordingly, it is ordered that the management of the colleges shall first pay the retiral dues including the CPF to the employees-retirees within two months at par with the teachers of AS

College, Khanna and Arya College, Ludhiana, and thereafter, the State of Punjab shall reimburse this amount to the management after such a payment is made, within a period of three months from the time when a claim for such reimbursement is lodged with them. The amount shall be paid to the petitioners in CWP No.17086 of 2014 along with interest @ 9% per annum from the date when it became due till its payment. The writ petition No.17086 of 2014, is disposed of accordingly.

In the remaining writ petitions, filed on behalf of the petitioner-colleges, it is directed that the State shall release the due Grant in Aid to the petitioner-colleges, as per Rules, within a period of three months from the date, such demand is raised by the management.

All the writ petitions are disposed of in the above terms.

06.05.2015
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(JITENDRA CHAUHAN)
JUDGE