

CWP No. 24431 of 2014
Date of decision: 20.05.2015Guru Teg Bahadur National Public Senior Secondary School, College
Road, Dakha, District Ludhiana

.....Petitioner

versus

Principal Secretary to Government of Punjab and others

.....Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. N.S.Bhinder, Advocate
for the petitioner.

Mr. Anant Kataria, AAG, Punjab.

Rakesh Kumar Jain, J.(Oral)

The short controversy in this case is that the petitioner had deposited an amount of ₹ 9,90,240/- in the Treasury in the account of the District Education Officer, Ludhiana on 25.01.2012 towards the expenses for obtaining No Objection Certificate (NOC) with the application. The respondent, vide its order dated 8.11.2012 declined to grant the NOC on the ground that the petitioner had already informed vide office Memo No. 6/74/12-3E3/8.11.2012 that the requisite fee has not been deposited with the District Education Officer (Senior Secondary) Ludhiana, therefore, NOC cannot be issued.

The apprehension of the petitioner was that perhaps the respondent are referring to the deposit of the requisite amount in the Treasury instead of with the District Education Officer, therefore, counsel for the petitioner has made a prayer that a direction may be issued to allow the petitioner to withdraw the amount deposited with the Treasury on 27.01.2012 to the tune of ₹ 9,90,240/- and to further deposit the same with

the District Education Officer (Senior Secondary), Ludhiana.

Learned counsel for the petitioner is of the view that if the said amount is deposited with the District Education Officer as required, the respondent would issue NOC to the petitioner.

Counsel for the respondent, however, has submitted that an amount of ₹ 9,90,240/- deposited by the petitioner on 27.01.2012 is deemed to have been deposited with the District Education Officer (Senior Secondary), Ludhiana but this is not the entire amount as the respondent had to pay the amount as per letter dated 28.03.2012 by which the petitioner was informed that the reserved fund deposited in the account of District Education Officer (Senior Secondary), Ludhiana has not been deposited in accordance with the Rules, as this amount is required to be deposited equal to six months salary of staff whereas the petitioner had deposited the said amount as per unrevised pay. The petitioner was thus, advised to deposit the salary equal to the revised pay scales as per the basic pay for six months after getting the remaining amount deposited.

Faced with these circumstances, counsel for the petitioner submits that once the amount already deposited to the tune of ₹ 9,90,240/- has been admitted by the respondent to have been deposited in the account of the District Education Officer (Senior Secondary), Ludhiana, the remaining amount as required by the respondent vide letter Annexure P-5 would also be deposited within 3 months. Once the amount is deposited as settled herein, the respondent shall issue NOC to the petitioner.

Disposed of.

20th May, 2015

Shivani Kaushik

**[Rakesh Kumar Jain]
Judge**