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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-35-2015(O&M)

Date of Decision: 04.08.2015

GURINDER KAUR SANDHU AND OTHERS

.....Petitioners

Vs

STATE OF PUNJAB AND ORS.

.....Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sameer Sachdeva, Advocate
for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Amrit Paul, Advocate
for respondent No.3.

Mr. C.L. Pawar, Advocate
for respondent Nos.4 and 5.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

JITENDRA CHAUHAN, J. (Oral)

CM-8800-2015 is allowed.

The petitioners have approached this Court for issuance of the directions to the respondents No.4 and 5 to release the complete retiral dues of the petitioner comprising of the enhanced gratuity, leave encashment and pending arrears of the revised salary/allowances due to the petitioner on account of revision of pay scale w.e.f. 01.01.2006 along with interest.

The learned counsel for the State submits that so far as the arrears of revised pay are concerned, the entire amount with regard to all the petitioners stands paid to the Management, whereas, the issue with regard to revised pay scale, revised gratuity, leave encashment stand remanded by the Hon'ble Supreme Court to this Court on 26.11.2013 in Special Leave to Appeal (Civil) No.13110 of 2008 arising out of CWP No.4081 of 2007, wherein the following order is passed:-

“6. We have heard learned counsel for all the parties and we are of the view that the submissions raised in these special leave petitions which were also raised in the replies to the writ petitions in the High Court, ought to have been gone into by the High Court. In the circumstances, we revive all those writ petitions decided by the High Court, mentioned hereinbelow. They will be heard and decided afresh by the High Court after considering the submissions of the College Managements, the State of Punjab, as well as the teachers on the merits of those submissions. The numbers of writ petitions is as under:-

“CWP Nos.4081, 6439 and 6395, all of 2007, CWP No.10315 of 2007, CWP No.23 of 2012, CWP No.16166 of 2011, No.792 of 2011, CWP No.8774 of 2004, CWP No.76 of 2006, CWP No.12965 of 2005, CWP No.18372 of 2004, CWP No.1105 of 2004 and CWP No.12550 of 2003.”

7) We note that in these matters, there has been an interim order dated 2nd April, 2009,

whereby the College Managements 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.

8) *In SLP (C) Nos. 10873, 10878, 10879 and 11498, all of 2006, Mr. Dinesh Kumar Garg, AOR appears for the petitioner-Managing Committee, S.K.R.M. College. In these matters there will be same order as above. However, as far as the direction of the High Court to pay arrears of salary is concerned, that will be honoured by the College.*

9) *These Special Leave Petitions are dismissed as withdrawn.*

10) *In view of the disposal of the Special Leave Petitions, the contempt petitions also stand disposed of.”*

In view of the remand order, it is directed that in the first instance, the Management-College shall pay all the retiral dues to the petitioners which shall be subject to the decision of CWP-408-2007. The petitioner shall have the liberty to lay their claims after the decision is taken in CWP No.408 of 2007.

Disposed of.

(JITENDRA CHAUHAN)
JUDGE

August 04, 2015
SwarnjitS