

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.89 of 2015 (O&M)
Date of decision: 08.05.2015

State of Punjab and others

----Appellants

Versus

Arya College and others

-----Respondents

**Coram: Hon'ble Mr. Justice Satish Kumar Mittal
Hon'ble Mr. Justice Harinder Singh Sidhu**

**Present: Mr. Alok Jain, A.G., Punjab
for the appellants.**

**Mr. Sameer Sachdeva, Advocate
for the respondents**

SATISH KUMAR MITTAL, J. (Oral)

State of Punjab has filed the instant intra Court appeal under Clause X of the Letters Patent against the order dated 16.05.2014 passed by the learned Single Judge whereby the writ petition (CWP No. 9475 of 2014) filed by the respondents-Colleges for issuing direction to the appellants to release/reimburse the requisite 95% grant-in-aid qua gratuity/leave encashment paid by the Colleges to the retired teaching and non-teaching staff was disposed of by passing the following order:

“Notice of motion.

At the asking of the Court, Mr. Nilesh Bhardwaj, DAG,Punjab, accepts notice on behalf of the State.

Learned counsel for the petitioners, while relying on Annexure P-11, has submitted that in similar situations and cases of similarly placed persons, the following directions have been given:-

“Accordingly, the instant petition is disposed of with the directions that the petitioner shall present itself before the respondent no.3 on any working day between 14.2.2011 to 17.2.2011 and comply with all the formalities. The petitioner shall render all the relevant material to the respondents who upon evaluation of the same shall determine the amount due and release the same to the petitioner within a period of four weeks thereafter.”

After hearing learned counsel for the parties and noticing the fact that the controversy is similar to what was raised in Annexure P-11, I deem it appropriate to dispose of the writ petition in terms of the aforesaid order with a direction that the petitioners shall present themselves before respondent No. 3 on any working day between 26.05.2014 to 30.05.2014 and comply with all the formalities.”

Though there is delay of 188 days in filing the appeal and in this regard the appellant has filed application (CM No. 177-LPA-2015), yet without considering the same, we have heard learned counsel for the parties on the merits of the case.

After hearing learned counsel for the parties, we are of the view that by the aforesaid order, the appellants have been directed to consider the case of the respondents in accordance with law and if they are entitled for the relief claimed, the same should be given to them. But till date no final order has been passed by the appellants either accepting or rejecting the claim of the

respondents. Therefore, we are not inclined to entertain this appeal filed by the State of Punjab against the aforesaid order as in our opinion, it is open for the appellants to consider the claim of the respondents in accordance with law by passing a speaking order.

Disposed of in the above terms.

(SATISH KUMAR MITTAL)
Judge

(HARINDER SINGH SIDHU)
Judge

08.05.2015
Atul