

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM No.12808 of 2015 in/and
CWP No.1824 of 2012
Date of Decision: 19.02.2016

Sh. Gurcharan Singh and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sham Lal Bhalla, Advocate,
for the applicant-petitioners.

Mr. Vaibhav Sharma, DAG, Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

The petitioners have very fairly placed the order of the Supreme Court passed in SLP (C) No.422 of 2013 and four connected SLPs with lead case titled *Charanjit Singh and others v. State of Punjab and others*. The Supreme Court has by order dated January 13, 2015 dismissed the petition and upheld the view of this Court rendered in CWP No.14634 of 2009 in case *Beant Singh and others v. State of Punjab and others* and other connected matters wherein the Constitutional validity of the Punjab Pay Scale of Teachers Act, 2004 was called in question and the High Court had treated it as intra vires. Though the Supreme Court did not express any opinion on the view which may be taken and did not go into the

Constitutional validity of the Act but all the same disposed of the petitions on the limited point that any amount paid shall not be recovered.

In view of this, the State is restrained from making recovery from the petitioners in the light of the judgment of the Supreme Court.

The petition stands disposed of.

**(RAJIV NARAIN RAINA)
JUDGE**

19.02.2016
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