

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

**1. CWP No.4424 of 2013 (O&M)
Date of decision: 18.10.2016**

Mukhvir Singh and others ..Petitioners

Versus

State of Punjab and others ..Respondents

2. CWP No.5088 of 2013

Dr. Baljinder Kaur and others ..Petitioners

Versus

State of Punjab and others ..Respondents

3. CWP No.22904 of 2015

Dr. Suman Kumari and others ..Petitioners

Versus

State of Punjab and others ..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. H.C. Arora, Advocate
for the petitioners in CWP No.4424 of 2013.

Mr. Vivek Sharma, Advocate
for the petitioners in CWP No.5088 of 2013.

Mr. Sandeep Walia, Advocate for
Mr. R.K. Arora, Advocate
for the petitioners in CWP No.22904 of 2015.

Mr. Inder Pal Goyat, Addl. A.G., Punjab
for the respondents -State.

Daya Chaudhary, J. (Oral)

This judgment of mine shall dispose of CWP Nos.4424, 5088 of 2013 and 22904 of 2015 as common questions of law and facts are involved.

The affidavit filed by respondent No.13, namely, Dr. Simrat Kaur, Principal, Gursewak Singh, Government College of Physical Education explaining therein the delay in filing affidavit has been filed in the Court and the same is accepted. The affidavit is taken on record.

Learned counsel for the petitioners submits that the petitioners are entitled for salary of the summer vacation in view of judgment rendered by this Court in **CWP No.9300 of 2015** titled as **Mrs. Menka and others vs. State of Haryana and others**, decided on **05.05.2016** wherein certain judgments have been relied upon. Learned counsel further submits that the petitioners are entitled for the relief sought in the petition in view of judgment of Full Bench in **Avtar Singh vs. State of Punjab, CWP No.14796 of 2003** decided on **11.11.2011**. LPA filed against said judgment was dismissed and thereafter SLP (C) No.8504 of 2015 filed against judgment of Division Bench was also dismissed by Hon'ble the Apex Court on 17.04.2015. Learned counsel also submits that the petitioners would be satisfied in case the claim of the petitioners be considered in view of **Menka's case (supra)** wherein certain directions were also issued by this Court with regard to continuation of service till regular candidates are appointed/join duty. They were also held entitled for the salary for the summer vacations or gap between two assignments.

Learned counsel for the petitioners in CWP No.5088 of 2013

submits that the order has been passed in the case of the petitioners but the arrears have not been released so far. The respondents be directed to release the arrears as per order passed by them.

In view of submissions made by learned counsel for the petitioners, the present petitions are disposed of with a direction to the respondents to consider the case of the petitioners in view of **Menka's case (supra)** and pass necessary order within a period of two months from the date of receipt of certified copy of this order. The necessary order be implemented as per stand taken in the written statement.

In case the petitioners are found to be entitled for the relief sought, the same be granted to them from the date of dismissal of the SLP by Hon'ble the Apex Court.

In case, the petitioners are still aggrieved in any manner, they are at liberty to avail the appropriate remedy.

18.10.2016
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	✓ Yes/No
Whether Reportable	✓ Yes/No