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

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**LPA No.975 of 2015 (O&M)**

**Date of Decision: 20.09.2016**

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Arya High School Trust and Management Society

..... Appellant

Versus

Sushila Devi (deceased) through LRs and others

..... Respondents

**CORAM: HONBLE MR. JUSTICE SURYA KANT  
HONBLE MR. JUSTICE SUDIP AHLUWALIA**

- |                                                                          |        |
|--------------------------------------------------------------------------|--------|
| 1. Whether speaking/reasoned?                                            | Yes/No |
| 2. Whether reportable?                                                   | Yes/No |
| 3. Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |
| 4. To be referred to the Reporters or not?                               | Yes/No |
| 5. Whether the judgment should be reported in the Digest?                | Yes/No |

Present: Mr. Vinod S. Bhardwaj, Advocate,  
for the appellant.

Mr. Karan Bhardwaj, Advocate,  
for respondent Nos.1 and 2.

Mr. R.D. Sharma, DAG, Haryana.

**SURYA KANT J. (ORAL)**

(1) This Letters Patent Appeal is directed against the order dated 26.03.2015 whereby learned Single Judge allowed the writ petition filed by the respondents (one of them Sushila Devi unfortunately has passed away) directing the appellant-Management to implement the orders dated 22.08.2012 and 30.11.2012 and consequently reinstate them forthwith with all consequential benefits.

(2) The facts may be noticed briefly. The two private respondents were appointed as Science Mistress and S.S. Master, respectively, in a school run by the appellant-Management. The school receives grant-in-aid from the State of Haryana. While Sushila Devi (since deceased) was

appointed on 20.07.1998, respondent No.2 was appointed on 22.08.2000. Sushila Devi was placed under suspension and was charge-sheeted on 05.07.2007 alleging some acts of misconduct. An inquiry was held in which charges were proved; it followed a show-cause notice dated 14.09.2007 and then she was dismissed from service on 18.10.2007.

(3) In the case of respondent No.2 (Ravinder Singh Dangi), he was placed under suspension on 03.03.2006 and the charge-sheet was served on that very day. Inquiry was held into the misconduct alleged against him and based thereupon, he was dismissed from service on 20.04.2007.

(4) Both of them filed statutory appeals against their respective dismissal orders before the District Education Officer, Rohtak. Such an appeal is maintainable under Rule 111 (a) of Haryana School Education Rules, 2003, which reads as follows:-

***111.(a)** After receipt of the decision of the disciplinary authority the employee concerned may present his appeal against the order of the disciplinary authority to the District Education Officer/District Primary Education Officer within 30 days of the receipt of the order.*

***(b)** After going through the facts and other relevant records relating to the case and hearing both the parties in person, the District Education Officer/District Primary Education Officer shall convey the decision to the managing committee within 60 days from the date of receipt of the such appeal.*

***(c)** The decision shall be binding for both the parties, however, the aggrieved party may appeal to the Director within 30 days from the date of receipt of the decision.*

(5) The appellate authority slept over the appeals for more than five years and it was pursuant to the directions issued by this Court that the appellant authority vide two separate orders dated 22.08.2012 allowed the

appeals and set aside the orders vide which private respondents were dismissed from service.

(6) The appellant-management challenged the appellate orders dated 22.08.2012 before the Director, Secondary Education, Haryana but its appeals were dismissed vide order dated 30.11.2012.

(7) The above-stated two orders have been directed to be given effect by the learned Single Judge with a direction to reinstate the respondents.

(8) As noticed earlier, respondent No.1 (Sushila Devi) has unfortunately died on 13.12.2014. We are not inclined to go into the merits of this appeal qua her. We are informed that the deceased has left behind three legal representatives, namely, her husband and two children (one major and one minor). The appellant-Management is directed to release all the consequential arrears and other terminal benefits to the legal representatives of the deceased in accordance with law. The needful shall be done within a period of four months from the date of receipt of certified copy of this order.

(9) As regard to respondent No.2, we have heard learned counsel for the parties at a considerable length. It is not in dispute that the orders passed by the District Education Officer, Haryana and Director, Secondary Education, Haryana in their appellate capacities, are separately under challenge at the instance of the management in CWP Nos.24873 & 25087 of 2015, which is still pending and since the legality of those orders is yet to be determined by this Court, we find no justification to accept the claim for consequential benefits at the instance of respondent No.2, at this stage. Till the above-cited writ petitions are decided on merits, such a claim being

premature, respondent No.2 is held entitled to arrears of pay only w.e.f. the date of the order of learned Single Judge in these proceedings i.e. from 01.04.2015 onwards. These directions are without prejudice to the rights of the parties which are sub-judice in above-stated pending writ petitions.

(10) With these observations and directions, the instant appeal stands disposed of.

**(SURYA KANT)**  
**JUDGE**

**20.09.2016**

*Bhumika*

**(SUDIP AHLUWALIA)**  
**JUDGE**