

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

**CWP-17565-2017
Date of Decision :11.08.2017**

SUNITA & OTHERS

.....Petitioners

Versus

STATE OF HARYANA & OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Gaurav Mohunta, Advocate
for the petitioners.

Mr. R.K.Doon, AAG, Haryana.

Mr. Suman Jain, Advocate
for respondent No.2.

AMOL RATTAN SINGH, J. (ORAL)

Despite a short date having been granted, learned counsel for the respondents no.2 and 3 has filed a written statement in Court today, which is taken on record. A copy of the same has been given to learned counsel for the petitioners.

A perusal thereof shows that it is stated that due to the financial condition of the school, the petitioners would be allowed to join duties after one month.

Learned counsel for the petitioners, on the other hand submits that the petitioners have been duly selected by the respondents by regular process, even the grace period of one month that is being sought, is actually

only by taking advantage only of the orders passed by this Court in CWP No.14179 of 2017, and if the petitioners in that petition had not approached this Court and obtained orders with regard to the payment of salary for the interim period, prior to appointment of the present petitioners, the petitioners would have been allowed to join the respondent-school, which they are doing after having resigned from their jobs.

Hence, it is contended that allowing the respondents a time of one month before which the petitioners can join the school would mean that the petitioners would be without salary for a period of one month, with no source of income in the interim period.

Having considered the above, the contention of the respondents in that respect is rejected and this petition is disposed of with a direction to the respondent management and school, i.e. respondents no.2 and 3, to ensure that the petitioners are allowed to join their posts, for which they have been selected on 16.08.2017. They would also be entitled to salary, starting from the date falling next uptill which the petitioners in CWP14179 of 2017 have been paid salary by respondents no.2 and 3.

It is to be specifically noticed in this petition also, as was noticed while disposing of CWP no.14179 of 2017, that actually jurisdiction to entertain a petition pertaining to employment in a school such as respondent no.3, would at the first instance be with the jurisdictional Tribunal notified by the State of Haryana. However, the previous petition had been entertained by this Court to the limited extent that the petitioners in that case were held entitled to salaries for the periods that they had actually worked, it not being considered appropriate to refer that small matter to the Tribunal and thereby delaying salaries to those petitioners.

Hence, this petition has also been entertained, it actually arising out of the orders passed in the previous petition.

(AMOL RATTAN SINGH)
JUDGE

August 11, 2017
Sunil Devi/dinesh

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No