

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

1.CWP No. 25 of 2016 (O&M)

The Public School Bal Bhawan Society and another
...Petitioner

Versus

Anita Sharma and others
... Respondents

2.CWP No.71 of 2016 (O&M)

The Public School Bal Bhawan Society and another
...Petitioner

Versus

Vinod Sharma and others
... Respondents

Date of Decision: 8.5.2017

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

Present: Mr.Nishant Arya, Advocate for
Mr.S.K.Verma, Advocate for the petitioner

Mr.P.L.Ahuja, Advocate for Respondent no.1

RAJIV NARAIN RAINA, J. (Oral)

This order will dispose of CWP No.25 of 2016 and CWP No. 71 of 2016 as common questions of law and facts are involved in both the writ petitions.

I have heard learned counsel for the parties.

The matters are fully covered by my decision rendered in CWP No.23716 of 2013 (The Managing Committee, Public School Bal Bhawan and ors. vs. The Controlling Authority & Ors. decided on 17th August, 2015). My decision was based on the decision of the Supreme Court in Ahmedabad Private Primary Teachers' Association vs. Administrative Officer and others, AIR 2004 SC 1426.

In view of the above, this appeal is disposed of in view of *the Managing Committee, Public School Bal Bhawan's case, supra* and the appellate order is modified to the extent that the gratuity will be payable only w.e.f. 3.4.1997 and not prior thereto. However, interest will remain payable as ordered @ 12% from 1.2.2006 till actual payment. In case any amount in excess of the gratuity as now calculated has been paid, it will be adjusted in the final gratuity amount payable under this order to the extent indicated in *the Managing Committee, Public School Bal Bhawan's case, supra*.

8.5.2017
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No