

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

(1)

CWP No.3301 of 2014 (O&M)
Date of Decision: 09.03.2017

Aanchal Sekhon

...Petitioner

Versus

Sh. Guru Ramdas Hospital Charitable Trust Amritsar and others

...Respondents

(2)

CWP No.3338 of 2014 (O&M)

Hardev Singh Dhillon

...Petitioner

Versus

Sh. Guru Ramdas Hospital Charitable Trust Amritsar and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G.S. Bal, Senior Advocate with
Mr. A.D.S. Bal, Advocate
for the petitioner(s).

Mr. Ajaivir Singh, Advocate
for the respondents.

JAISHREE THAKUR, J. (Oral)

The instant writ petitions have been filed in the year 2014 to

challenge the impugned order dated 13.05.2013 along with non-payment of the regular pay scale.

Notices were issued in the said writ petitions and the matter was pending consideration before this court.

During the pendency of the writ petitions, the petitioners restricted their claim in the writ petitions only to the monetary benefits, that the petitioners would have been entitled to, in view of the judgment rendered in RSA No.1953 of 2010, dated 01.10.2012.

The matter was taken up for consideration and a preliminary objection was taken that the instant writ petitions, even to claim the monetary benefits, would not lie against respondents No.1 and 2, being a private trust. In this regard, learned counsel for the respondents relied upon orders passed in CWP No.23815 of 2013 titled as '**Dr. Jaspinder Kaur vs. State of Punjab and others**', wherein, it has been held that the respondents-Trust would not be amenable to the writ jurisdiction. This decision rendered in '**Dr. Jaspinder Kaur vs. State of Punjab and others**' (*supra*) has subsequently been confirmed by the Division Bench in LPA No.1180 of 2016, decided on 05.09.2016.

Faced with this situation, learned senior counsel for the petitioners seeks permission to withdraw the instant writ petitions, in order to avail their alternative remedy, in accordance with law, however, prays that the trust should not raise the plea of limitation, to defeat their claim.

In view of the fact that the writ petitions had been filed within limitation and petitioners were bonafidely agitating their claim, in case a suit/proceedings are initiated within a period of two months, along with an

application under Section 14 of the Limitation Act, the respondents shall not raise plea of limitation, to defeat the claim of the petitioners on technical grounds.

The writ petitions stand disposed of accordingly.

March 09, 2017
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No