

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 7.3.2018

CR No. 5880 of 2017 (O/M)

Managing Committee, DAV Senior Secondary School, Shahbad
through its Manager Petitioner

Versus

Mukesh Kumar and others Respondents

CR No. 8727 of 2017 (O/M)

Managing Committee, DAV Senior Secondary School, Shahbad
through its Manager Petitioner

Versus

Mukesh Kumar and others Respondents

CR No. 9074 of 2017 (O/M)

Managing Committee, DAV Senior Secondary School, Shahbad
through its Manager Petitioner

Versus

Mukesh Kumar and others Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ajaivir Singh, Advocate, for petitioner in all cases.
Mr. A.K. Saini, DAG Haryana.
Mr. M.S. Jangu, Advocate, for,
Mr. S.K. Nehra, Advocate,
for respondents in CR-5880-2017.
Mr. Ravinder Malik (Ravi), Advocate,
for respondents in CR-8727, 9074-2017.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

By this single order, I will dispose of all the abovenoted civil revisions. For brevity, facts have been taken from CR No. 5880 of 2017.

Heard.

The short controversy involved in these three revisions between the same parties is that learned District Judge, Kurukshetra, while exercising

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powers of Education Tribunal, allowed the claim of respondents and passed the following order dated 4.12.2015 (Annexure-P-1) :-

'31. In view of my findings on issues No. 1 to 6, the appeal succeeds and is hereby allowed with costs and appellants No. 1 to 6 are held to be entitled to the same pay as admissible to their counter parts in privately managed government aided schools in the State of Haryana and the respondents No. 1 to 3 and the respondent No. 4 are liable to share the burden in accordance with the grant in aid scheme applicable to the respondent No. 4 school from time to time and termination orders dated 10.8.2009 of appellants No. 1 to 4 and termination orders dated 20.2.1999 of appellants No. 5 and 6 are declared to be illegal, null and void and the appellants No. 1 to 6 are held to be entitled to reinstatement with 50% of the back wages payable by the respondent No. 4 with continuity of service and consequential benefits. Memo of costs be prepared accordingly. Present appeal file be consigned to the record room after due compliance.'

In pursuance to that, execution was filed before the Court in which vide order dated 29.4.2017, the list of properties of JD No. 4 was ordered to be filed within seven days and warrants of attachment of properties of JD No. 4 were ordered to be issued after the amount to be quantified by the decreeholders. Subsequently, vide order dated 3.7.2017 (Annexure-P-4), warrants of attachment of properties of JDs were issued and still by another order dated 16.11.2017, the sale of properties of JD No. 4 was ordered to be conducted after dismissing the objections filed under Order XXI Rule 66 CPC, 1908.

I have heard the learned counsels for both the parties and have also carefully gone through the file.

The contention of learned counsel for petitioner is that petitioner was not heard regarding calculations. It is contended that re-employment of decreeholders has been stayed by a Division Bench of this Court. However, it is not disputed that 50% of the back wages are to be paid by JD No. 4 on the same pay scale which are admissible to the

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Government employees and regarding which grant in aid is given by the Government. The grant in aid part is to be claimed by the school from the Government. It also comes out that JD No. 4 had appeared before the Court. Before the Executing Court, no calculations were filed by JDs. However, calculations have been filed before this Court stating about the amount to be paid to the decreeholders. The contention of the learned counsel for petitioner is that they should be given opportunity to file their calculations, so that they can pay the said amount.

In these circumstances, it is ordered that the District Education Officer, Kurukshetra, now represented by State counsel Mr. A.K. Saini, DAG Haryana, shall make calculations regarding amount payable to the decreeholders in terms of the decree passed by learned District Judge, Kurukshetra and submit the same to the Executing Court within fifteen days and thereafter, JDs will be given time of four weeks to pay said amount to the decreeholders. If said amount is not paid, no extension of time will be granted and the properties attached shall be again put to sale. In the meanwhile, sale of properties shall remain stayed. Consequently, all revisions are disposed of.

(KULDIP SINGH)
JUDGE

7.3.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No

..... Petitioner

..... Respondent

Present:-

- KULDIP SINGH J. (ORAL)

Whether Reportable : Yes / No