

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

CWP No. 17078 of 2013 (O&M)

Date of decision: 16.03.2018

Gurcharan Kaur

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

**CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN**

Present: Mr. Hardeep Singh, Advocate for the petitioner(s).

Ms. Sudeepti Sharma, Addl. A.G., Punjab  
assisted by Sh. Amar Singh, BPEO, Sherpur.

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**Jitendra Chauhan, J. (Oral)**

By way of the instant writ petition, the petitioner seeks issuance of a writ in the nature of certiorari for quashing the order dated 15.07.2013 (Annexure P-7) passed by respondent No.4 vide which the extension case of the petitioner to continue the service as a JBT teacher for one year was rejected.

It is contended that the petitioner joined as JBT teacher on 21.07.1997 and was to retire on 31.01.2013. In view of the notification dated 08.10.2012 (Annexure P-1), issued by the Government of Punjab, the petitioner opted for one year extension and gave the application to the competent authority well in time, vide application dated 09.11.2012 (Annexure P-2) and in usual course adopted by the respondents, the petitioner continued her service from 01.02.2013 till 31.07.2013 and it was told to her by the respondents that the final approval by the

authorities is given after five to six months. Learned counsel refers to attendance report dated 24.07.2013 (Annexure P-4) whereby the attendance of the petitioner was sent to the office of BPEO, Sangrur. However, the petitioner has not been given salary after the date of her retirement i.e. 31.01.2013 despite the fact that the petitioner kept teaching till 31.07.2013.

On the other hand, the learned State counsel, on instructions admits the fact that the petitioner kept teaching till 31.07.2013, however, she refers to the duly sworn affidavit of the petitioner dated 23.01.2013 (Annexure P-3), whereby the petitioner has stated in case her case for extension is rejected, then she will not claim the salary from the date of retirement upto the date of rejection.

Heard, learned counsel for the parties and perused the record.

Keeping in view the admitted position that the petitioner had continued in service till 31.07.2013 after the date of her retirement i.e. 31.01.2013, therefore, she cannot be denied the benefit of salary and other benefits for the period, she had worked with the respondents.

Accordingly, the present petition is allowed. The respondents are directed to release the salary and all other consequential benefits to the petitioner for the period she actually worked i.e. 31.01.2013 to 31.07.2013, within a period of four months from the date of receipt of a certified copy of this order.

16.03.2018

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**(JITENDRA CHAUHAN)**  
**JUDGE**

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No