

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.20921 of 2018(O&M)

Date of Decision:-26.10.2018

**DAV Senior Secondary School, Dussehra Ground, Batala, District
Gurdaspur.**

.....Petitioner.

Versus

Chairman, Educational Tribunal, Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Rajdeep Singh Cheema, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

CM No.16061 of 2018 has been filed for placing on record the additional affidavit dated 22.10.2018 of Sh. Rattan Chand, Principal of the petitioner-school on record.

CM allowed.

Aforesaid additional affidavit dated 22.10.2018 of Sh. Rattan Chand, Principal of the petitioner-school is taken on record.

Registry to place the same at appropriate place and paginate the paper book accordingly.

CWP No.20921 of 2018

Privately managed Aided school has filed the present writ

petition assailing the order dated 13.12.2017 (P-12) passed by the learned Education Tribunal, Punjab whereby the petition of Sukhdev Singh-respondent herein has been partly allowed.

The facts in brief are that Sukhdev Singh-respondent was appointed as DPE Master on Adhoc/Temporary basis on a payment of consolidated salary by the Management of the School on 02.07.2007 against the unaided post. The fixed period of appointment was extended from time to time till 31.03.2011 when his services were dispensed with. Sukhdev Singh filed a petition before the Tribunal seeking the setting aside of an order of termination as also payment of arrears of salary to be calculated in accordance with Regulation 7 (iii) of The Punjab School Education Board Affiliation Regulations 1988 (for short 1988 Rules).

Learned Tribunal upon proper opportunity to contest and evaluation of material placed on record has proceeded to upheld the termination keeping in view the contractual nature of the appointment, however, granted the payment of salary in view of the provisions of Regulations 7(iii) i.e. atleast the basic pay of a DPE Master working in the State Government Institution. The amount already paid on consolidated basis was directed to be deducted from the arrears of salary so calculated and payments due along with interest at the rate of 6% was awarded.

After hearing learned Counsel for the petitioner and perusing the Regulation 7(iii) of the 1988 Rules, this Court endorses

the view taken by the Tribunal that in matter of pay/salary no distinction can be made qua the staff working on the aided or unaided post. No rule denuding the effect of the aforesaid Regulation 7(iii) has been brought to the notice of the Court.

In view of the above, finding no merit in the present writ petition the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

October 26, 2018
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>