

Sr. No.340

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

CWP No.2322 of 1994 (O&M)

Date of Decision: 20.08.2019

Managing Committee Gandhi Arya High School

... Petitioner

Versus

Presiding Officer School and Colleges Tribunal Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- None for the petitioners.

Ms. Samina Dhir, DAG, Punjab.

ARUN MONGA, J.(ORAL)

Challenge herein is to an order dated 09.11.1993 passed by the States School and Colleges Tribunal, whereby the order dated 13.11.1992 of DPI (Schools), upholding the dismissal of respondent No.3 from service was set aside and the petitioner-School was directed to take respondent No.3 back in service forthwith.

Order sheet reflects that when the case came up for preliminary hearing for the first time on 21.03.1994, Division Bench of this Court while issuing notice of motion stayed the operation of the impugned order and resultantly, respondent No.3 could not have been reinstated/taken back by the petitioner-school in service.

During pendency of the writ petition, respondent No.3 attained the age of superannuation as is reflected from order dated

28.02.2017, passed by this Court in COCP No.1908 of 2016 whereby an earlier order/judgment dated 21.01.2016, passed by this Court upholding the order passed by the Tribunal was recalled.

While recalling the order, my learned brother Mr. Rajiv Narain Raina, J. observed that since the petitioner had attained his age of superannuation/retired from service on 29.02.2004, therefore, there was no question to put him under deemed suspension as was observed by him in his judgment dated 21.01.2016. Resultantly, disciplinary proceedings qua respondent No.3 could not have been revived.

Be that as it may, writ petition by sheer efflux of time is rendered infructuous and is, accordingly, dismissed, with liberty to private respondent No.3 to file appropriate application in case any cause of action qua him still survives.

20.08.2019

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No