

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

**CWP NO. 6490 of 1997(O&M)
Date of Decision: 22.04.2019**

Miss Meena Badal

... Petitioner

versus

State of Punjab & Ors.

... Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : None for the petitioner.

Mr. Abhaypal Singh Gill, AAG Punjab.

ARUN MONGA, J.

1. There is no representation for and on behalf of the petitioner nor any request otherwise has been made. The petition is lying admitted since November 6, 1997. I find no justification in keeping the matter pending. I have carefully gone through the paper-book containing the pleadings of the parties and the documents appended in support thereto and heard the learned State counsel.

2. The limited prayer made by the petitioner in this petition is for release of her salary w.e.f. 27.04.1995 till the date of her relieving i.e. 26.02.1996 and from 21.02.1997 to 02.05.1997 (the date of her resignation).

3. Admittedly, the petitioner was appointed as JBT Teacher vide appointment letter dated 24.04.1995 and she continued to work as such until she was relieved from services vide order dated 26.02.1996. Lateron, she joined as such on 21.02.1997 and resigned from the post on 02.05.1997.

4. Perusal of the written statement filed by respondent Nos. 4 and

5 shows that the petitioner was in the job of the respondents and there is no denial of her working in the school. It was incumbent upon the institution to pay salary to its employee and claim the same from the Government if it is an aided institution. The institution cannot shift the burden upon the Government and deny salary to the petitioner.

5. Being the conceded position that the petitioner had worked, the respondents cannot negate her right for the payment of salary, which has been prayed in the present writ petition.

6. Accordingly, the writ petition is allowed. Respondents No.4 and 5 are directed to release the salary of the petitioner, as admissible to her at the relevant time, w.e.f. 27.04.1995 to 26.02.1996 and 21.02.1997 to 02.05.1997 i.e. till the date of her resignation along with interest @ 6% per annum. Salary, if any paid to her, shall be adjusted towards the arrears to be computed for the aforesaid period.

6. No order as to costs.

(ARUN MONGA)
JUDGE

April 22, 2019
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| 1. Whether speaking/ reasoned: | Yes/ No |
| 2. Whether reportable: | Yes/ No |