

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

(207)

CWP-18465-2015 (O&M)

Date of Decision: August 27, 2019

**Seth Jai Parkash Mukand Lal Institute of Engg & Tech & ors
.. Petitioners**

Versus

**The District Judge cum Educational Tribunal and ors
.. Respondents**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R. Kartikeya, Advocate, for the petitioners.

Mr. Vikas Chatrath, Advocate, for respondent No.2.

None for respondent No.3.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the challenge is to the order passed by the Educational Tribunal, Haryana by which the order dated 19.03.2015 passed against respondent No.2 dismissing him from service was held to be bad and respondent No.2 was directed to be reinstated in service with benefits as envisaged under the impugned order dated 06.08.2015 passed by the Educational Tribunal, Haryana.

During the pendency of the writ petition, on 14.10.2015, the following order was passed:-

“CM-13345-CWP-2015

Civil Misc. application is allowed.

Written statement filed on behalf of respondent No.2 is taken on record.

CM-13457-CWP-2015

Notice of the application for the date fixed in the main case i.e. 15.02.2016.

Meanwhile, the reinstatement of respondent No.2 pursuant to the impugned order shall remain stayed, subject to the following conditions:

(i) the petitioner would deposit the arrears of salary, payable to respondent No.2 as per the impugned order in a fixed deposit, within one month, and

(ii) the monthly salary would be disbursed to respondent no.2 on the 7th day of each calendar month.”

It is not disputed that this order dated 14.10.2015 is being complied with by the petitioner.

Thereafter, the case came up for hearing on 24.07.2019 on which date, the following order was passed:-

“Counsel for the respondents state that during the pendency of the writ petition, petitioner has already got another opportunity in life, which he has availed and therefore now, the respondent is only praying for the implementation of the award of the District Judge-cum-Educational Tribunal in his favour, which has been impugned by the petitioner in the present writ petition.

Counsel for the petitioner states that keeping in view the order dated 14.10.2015 by this Court, the arrears which the petitioner would have become entitled for under the impugned award, was to be deposited in the fixed deposit and monthly salary was to be disbursed to respondent No.2 by 7th day of each month. Counsel for the respondent No.2 does not dispute the receipt of monthly salary in pursuance to the order dated 14.10.2015.

Counsel for respondent No.2 states that only claim of the respondent remains for the release of the amount as deposited by the petitioner in the fixed deposit in terms of Clause 1(i) of the order dated 14.10.2015. The relevant part of order dated 14.10.2015 is as under:-

Meanwhile, the reinstatement of respondent No.2 pursuant to the impugned order shall remain stayed, subject to the following conditions:

(i) the petitioner would deposit the arrears of salary, payable to respondent No.2 as per the impugned order in a

fixed deposit, within one month, and

(ii) the monthly salary would be disbursed to

respondent no.2 on the 7th day of each calender month.

Counsel for the petitioner very fairly states that whatever is deposited in the fixed deposit as per the award in terms of dated 14.10.2015, the petitioner will release the same to respondent No.2.

Let the amount which is lying in the fixed deposit be informed to the counsel for respondent No.2 alongwith the statement as to how the same was calculated and deposited.

To come up for arguments on 27.08.2019.”

Learned counsel appearing on behalf of the petitioner states that as a matter of final settlement between the parties, whatever has been deposited in the fixed deposit account in terms of the order dated 14.10.2015 alongwith interest accrued thereupon, which is also lying in the said account, will be paid to respondent No.2, and the same will be straightaway credited in the account of respondent No.2.

Learned counsel for respondent No.2, on the instructions from respondent No.2, who is present in the Court, states that petitioner is satisfied with the said condition of full and final settlement of the dispute subject to that respondent No.2 is given liberty to approach the competent authority under the Payment of Gratuity Act,1972 to claim the gratuity for which he is entitled for in respect of the service which he had rendered with the petitioner-institute.

Learned counsel for the petitioner states that as the offer of the petitioner has been accepted for full and final settlement as recorded above by respondent No.2, the present writ petition has been rendered infructuous and is not being pressed any further.

Respondent No.2 will be at liberty to avail his remedy for the claim of gratuity before the appropriate authority in case he wishes to have one in respect of the service which had had rendered with the petitioner.

The present writ petition stands disposed of in above terms.

Learned counsel for the petitioner states that the amount lying in the fixed deposit will be remitted in the account of respondent No.2 within a period of one week from today.

CM-13805-CWP-2017

This application filed for the vacation of the interim directions issued vide order dated 14.10.2015 is rendered infructuous after passing of the above order.

August 27, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes
Whether reportable: Yes