

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 18125 of 2018
Date of Decision : 18.03.2019

Kanta Khurana and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Jitender Nara, Advocate for the petitioners.

Ms. Nidhi Garg, A.A.G., Haryana.

Mr. Ashwani Talwar, Advocate and
Mr. Sahej Mahajan, Advocate
for respondent No. 6.

None for respondents No. 3 to 5 and 7 to 9.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the grievance which is being raised by the petitioners is that the cut off date, which has been fixed in the Haryana Aided Schools (Special Pension and Contributory Provident Fund) Rules, 2001, is arbitrary and, therefore, the same should be set-aside.

Learned counsel for the petitioners states that the similarly situated employees had approached this Court by filing CWP No. 20085 of 2003 challenging the said cut off date. The said writ petition was allowed by this Court on 07.11.2013 and the employees, who were similarly situated of the petitioners were held entitled for the relief as being claimed by the

petitioners in the present writ petition. The LPA filed against the said judgment has already been disposed of without there being any change in the order passed by the learned Single Judge.

Thereafter, a bunch of writ petitions bearing CWP No. 1486 of 2018 and other connected cases was decided by this Court on 13.12.2018 on which date, the following order was passed:-

“21. In view of the above, the respondents-State was liable to extend the benefit of the judgment rendered by this Court in CWP No. 20085 of 2003 to all the similarly situated persons and should not have forced the petitioners to approach this Court by raising the same objection which already stands rejected by the Co-ordinate Bench and which judgment has already attained the finality.

22. Further this Court while issuing notice of motion has only restricted the arrears to 38 months, which is to be followed by the State while implementing the 2001 Rules upon the petitioners in the present writ petition.

23. In view of the aforesaid facts and circumstances of the case, the present writ petition is allowed. The respondents are directed to implement 2001 Rules upon the petitioners as well for the grant of benefit therein. The respondents are further directed to calculate the pensionary benefits for which the petitioners will be entitled for by applying 2001 Rules. Let the exercise be completed within a period of three months from the date of receipt of certified copy of this order. After the calculation of the benefits, which the petitioners will be found entitled for, the respondents shall be at liberty to adjust the amount of Contributory Provident Fund paid to the petitioners at the time of retirement and release the remaining amount to the petitioners.

24. Keeping in view the facts and circumstances of the case

is not granting any interest to the petitioners on the payments which the petitioners will be entitled for. Similarly, the Contributory Provident Fund which the petitioners shall have to be deposited and which has to be adjusted, shall be adjusted without their being any claim on the interest on the same.

The writ petition is allowed in the above terms.”

Learned counsel for the petitioners states that the case of the petitioners is squarely covered by the above said decision and prays that the present writ petition be also disposed of in terms of the order passed by this Court in CWP No. 1486 of 2018 and other connected cases.

Learned counsel for the respondents very fairly states that the question of law raised in the present writ petition is covered by the decision rendered by this Court in CWP No. 1486 of 2018 and can be decided in terms of the same.

In view of the prayer made by learned counsel for the parties, the present writ petition is also disposed of in terms of the order passed in CWP No. 1486 of 2018 and other connected cases, decided on 13.12.2018.

At this stage, learned counsel appearing on behalf of respondent No. 6-School states that respondent No. 6-School remained an aided school till 26.06.1994 and thereafter, there was no aid which was granted by the Government of Haryana. Learned counsel for respondent No. 6 states that though the School became unaided but petitioner No. 1-Kanta Khurana continued working till 31.03.1998 i.e. till her retirement.

Under these circumstances, learned counsel for the respondents states that for the benefit, for which the petitioner No. 1 will be entitled for, has to be computed accordingly. Learned counsel for petitioner No. 1 does

not dispute this.

The present writ petition is disposed of only with regard to the entitlement and not the actual computation, for which the employees are entitled for. That will be done by the authorities accordingly on the basis of the facts of the each case.

March 18, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No