

CWP No.26783 of 2018

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

**CWP No.26783 of 2018
Date of decision:08.07.2019**

Sunita Rani

... Petitioner

Vs.

The Managing Committee Arya Kanya
Gurukul Senior Secondary School,
Mor Majra and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Naveen Daryal, Advocate
for the petitioner.

AMIT RAWAL J.

Challenge in present writ petition is to the order dated 07.08.2018 (Annexure P-5) of Educational Tribunal, Karnal wherein relief of reinstatement with continuity of service and back wages has been denied.

Mr. Naveen Daryal, learned counsel for the petitioner submitted that petitioner was appointed as a Art & Craft Training Home Science Mistress in Arya Girls Gurukul, Mor Majra, District Karnal w.e.f.18.7.1987 in the pay scale of Rs.480-760/-. Her services were terminated on 11.10.1994 which was challenged in a suit and it was decreed on 07.10.1996. The appeal preferred by the Management was also dismissed on 30.09.1998. As a consequence thereof, petitioner was reinstated into service with all consequential benefits but back wages were not released and under coercion a receipt of donation amount of Rs.2,39,363/- dated 20.07.1997 was issued to her.

The petitioner rendered continuous service of 19 years and pay scales were revised as per the notification on the revision pay by Government of Haryana under the Pay Commission but the petitioner was still drawing basic pay Rs.5875/- + usual allowances. Vide order dated 21.03.2006 (Annexure P-1), services of the petitioner were dispensed with due to non-availability of education for the subject of Stitching and Home Science and one month's salary of Rs.10,297/- offered.

Appeal was preferred against the aforementioned order before the Educational Tribunal, Karnal which has been dismissed. The Educational Tribunal has confined the relief with regard to another two months salary over and above one month as Rule 167 of Haryana Education Rules, 2003 provides three months salary. In fact, petitioner is entitled to reinstatement and not relief as granted by the Tribunal. The order of dispensation of service is wholly illegal and tantamounts to imposition of punishment. The School is receiving grant-in-aid from the Haryana Government, therefore, statutory provisions of Haryana School Education Act, 1995 and Haryana Education Rules 2003 were required to be followed.

I have heard learned counsel for the petitioner, appraised paper book and of view that there is no force and merit in the submissions of Mr. Naveen Daryal. The appointment letter dated 18.07.1987 shown to this Court only envisages a period of one month notice on abolition of post or resignation or discharge. Even an attempt was made to rely upon the agreement of even date that period of three months has been provided and reinstatement. On going through the contents of the agreement, there is no

such requirement of reinstatement into service except for three months' salary in lieu of abolition of post. The order dated 21.06.2006 (Annexure P-1) dispensing with the services of petitioner on account of abolition of post is not in dispute, thus, order of Tribunal confining the relief of payment of one month's salary to three months salary, cannot be said to be erroneous or arbitrary.

No ground for interference is made out.

Dismissed.

(AMIT RAWAL)
JUDGE

July 08, 2019
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No