

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(232)

CWP-7352-2018 (O&M)

Date of decision : 09th December, 2019

THE MANAGING COMMITTEE AKAL COLLEGE OF PHYSICAL
EDUCATION

.....Petitioner

Versus

UNION OF INDIA AND ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE GIRISH AGNIHOTRI

Present: Mr. Pawan Kumar, Senior Advocate
with Mr. Surya Kumar, Advocate
for the petitioner.

Mr. Aseem Aggarwal, Advocate
for the respondent No.1.

Ms. Anju Sharma Kaushik, DAG, Punjab
for respondent No.2.

Mr. Navjeet Singh, Advocate
for the respondents Nos. 3 and 4.

GIRISH AGNIHOTRI, J (ORAL)
CM-13707-2018

An application under Section 151 CPC for placing on record
the reply by way of affidavit on behalf of respondent No.1 has been filed.

The same is allowed. Reply is taken on record. Copy of the
same is given to the opposite counsels.

Registry is directed to tag the same at the appropriate place.

Main Case

The present writ petition has been filed by The Managing

Committee, Akal College of Physical, Education, Mastuana Sahib, Sangrur,
District Sangrur.

Learned senior counsel for the petitioner inter alia prays to direct the respondents to release/reimburse the arrears of the balance of Scheduled Caste students fee, which the petitioner has paid from its own funds without charging anything from the concerned students. It was further prayed that the amount of arrears are pending since 2014-2015. He further support the above prayer, by making reference to the legal notice dated 14.11.2017 (Annexure P10) wherein at page no.83 a specific demand was raised through the legal notice which is in tabulated form as under;

Srl. No.	Session	Claim Submitted	Claim received	Claim balance
1	2014-2015	Rs.19,32,500/-	Rs.15,48,360/-	Rs.2,51,140/-
2.	2015-2016	Rs.30,22,500/-	Rs.12,45,390/-	Rs.17,77,1110/-
3.	2016-2017	Rs.35,62,000/-	Nil	Rs.35,62,000/-

It is specifically submitted by learned senior counsel that qua the academic year 2016-2017 no amount has been released till date.

Learned senior counsel appearing for the petitioner has also drawn attention of this Court to para no.2 of the reply of respondent Nos. 2 and 3, in which they have taken stand that initially the payments are to be made to the concerned eligible students/institutions at their level. It is then submitted that the Department of Welfare for Scheduled and Backward Classes, Punjab, Chandigarh (respondent No.4-which is the Nodal agency to make the payments of Post Matric Scholarship to Scheduled Castes and other Backward classes students), receives the funds from the Ministry of Social Justice and Empowerment, Government of India. Thereafter the

payments are made directly to the bank accounts of the petitioner.

The respondent No.1 in his reply dated 07.09.2018 has pointed out that during the financial years 2015-2016, 2016-2017, 2017-2018 and 2018-2019 the respondent has released assistance to the State of Punjab to the tune of ₹89.30 crores, ₹280.08 crores, ₹115.75 crores and ₹327.39 crores respectively for the said scheme. It is then stated that the State of Punjab was supposed to utilize its own committed liability of ₹60.79 crores for each respective year for the said scheme.

Learned State counsel on instructions from Mr. Satish Kumar, Senior Assistant from the Office of Director Welfare of Scheduled Castes and Backward Classes, Punjab states that for the academic years 2014-2015, and for the next session 2015-2016 the Department has already made the necessary payments to the petitioner, as per the audit reports towards reimbursement of the arrears for the post-matric scholarship to the students belonging to the SC/ST/BC/OBS categories under the Post Matric Scholarship Scheme of the Government of India. She further submits that regarding the remaining outstanding arrears some time is sought.

After hearing learned counsel for the parties this Court is not inclined to give any further time since it has come on record that Government of India has disbursed its disbursement amount to the State prior to September 2018, when their short reply had been filed in this Court.

However in the interest of justice this writ petition is disposed of with the direction that all the outstanding amounts be disbursed to the petitioner within a period of four weeks from the date of receipt of certified copy of the order. It is further directed that along with the amounts to be

disbursed to the petitioner, the details of calculation be also provided to the petitioner by way of separate letter.

However the petitioner will be at liberty to file a counter, in case any dispute arises on the disbursed amount in question.

(GIRISH AGNIHOTRI)
JUDGE

09.12.2019
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No