

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

CWP No. 12823 of 2020

Date of Decision: 26.8.2020

Arya College Ludhiana and others

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sameer Sachdeva, Advocate for the petitioners.

Mr. Vikas Mohan Gupta, Addl. Advocate General,
Punjab.

AVNEESH JHINGAN, J (Oral):

The matter has been taken up for hearing through video conferencing due to COVID-19 situation.

The petition is filed raising grievance for non-release of salary grant to the petitioners-Colleges since March, 2020 on the pretext that the Colleges are not regularising the contractual staff appointed against 95% Grant in Aid post on completion of three years. Further prayer is for a direction to the respondents to resolve the issue harmoniously.

Learned counsel for the petitioners submits that a show cause notice dated 29.6.2020 was issued under clause 14 of Grant

in Aid Scheme. The reply dated 3.7.2020 to the show cause notice has been filed, yet in spite of sanctioning the grant, the amount is not being released to the petitioners.

Mr. Vikas Mohan Gupta, Additional Advocate General, Punjab appearing on advance notice submits that the petitioners are intentionally delaying regularisation against the sanctioned posts and under Rule 9-A of the Punjab Affiliated Colleges (Security of Service of Employees), Act 1974, the respondents have the power to withhold the grant-in-aid in such circumstances.

The prayers made in the writ petition are mis-conceived. In the show cause notice, it has been mentioned that '*But you are dilly dallying the regularization of these lecturers and it is being said that management cannot pay the salary to the above employees in the ratio of 75:25. Therefore the claim of these is not being sent to the department. Due to this there is resentment and complaining among the employees.*' The issue is yet to be adjudicated. Nothing has been placed on record by the petitioners to support the allegation that grant has not been released for reason of non-regularisation of the staff.

As regards the second prayer for a direction to the

respondents to resolve the issue harmoniously is concerned, the same does not arise. The regularisation has to be decided in accordance with law and the governing provisions.

No interference is called for in the present writ petition.

However, by the stopping of grant, the entire staff would be affected and considering the present situation the respondents are directed to decide the proceedings arising out of the show cause notice dated 29.6.2020 expeditiously. Further, the petitioners would be communicated the reasons for non-release of the grant and the provision under which respondents have proceeded. The petitioners would be at liberty to avail remedies available in accordance with law, if aggrieved of the orders passed by the respondents.

The writ petition is disposed of.

[AVNEESH JHINGAN]
JUDGE

26.08.2020
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |