

CWP No.37554 of 2019
Date of Decision: 6.1.2020

Santosh Kumari and another

.....Petitioners

Versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Narender Kumar Sharma, Advocate, for the petitioners.

NIRMALJIT KAUR, J. (ORAL)

The present writ petition is filed for quashing of the order dated 17.1.2013 and consequently to direct the respondents to release all the terminal benefits as per the revised pay scales, dearness allowances and other allowances at par with the employees of the Government Aided Schools along with the retiral benefits, revised pension and other consequential benefits.

The present writ petition is filed against the order passed way back on 17.1.2013. While explaining the delay, learned counsel for the petitioners submitted that the petitioners have been running from one place to another and have been consistently following it by way of alternative remedies as well as filing representations. In order to show the same, it is contended that the order of reinstatement was passed way back on 6.10.2010 in CWP-15161-1994. After reinstatement, the petitioners filed another writ petition bearing CWP-5319-2007 praying for release of revised scales, dearness allowances and other allowances at par with the employees

made in the present writ petition. The said writ petition was dismissed being not maintainable on 10.1.2011 with liberty to avail alternative remedy. Thereafter, the petitioners filed appeal before the Additional District Judge, Panipat seeking the same relief. The said appeal was dismissed as not maintainable vide order dated 17.1.2013.

It is evident that the orders above are prior to the impugned order dated 17.1.2013, which is subject matter of the present writ petition. Hence, no explanation for delay from the year 2013 till date is forthcoming. It is not understood, as to why the impugned order dated 17.1.2013 was not challenged at that point of time.

The argument that one contempt petition bearing COCP-2525-2013 was filed, which was dismissed on 9.8.2018 with liberty to avail alternative remedy in accordance with law, too does not help. It is not clear why the contempt petition is filed and against which order.

Now, the present writ petition has been filed challenging the impugned order dated 17.1.2013. The petitioner, if at all, should have challenged the same at that point of time. The present writ petition was filed after a long gap of seven years. The explanation for delay is not satisfactory.

At this stage, learned counsel for the petitioners referred to another order dated 11.12.2019, vide which, their CWP-35956-2019 was dismissed with liberty to file fresh by challenging the the order dated 17.1.2013 passed by the Education Tribunal. However, the order dated 17.1.2013 pertains to the order passed by the Additional District Judge, Panipat and not by the Education Tribunal, which could only entertain the appeals against the order passed by the authorities or by the Education

Tribunal, whereas, no such order is on record. Hence, the same was rightly dismissed as not maintainable. Learned counsel for the petitioners has neither pointed out any infirmity in the said order nor any explanation for the delay in filing the present petition is forthcoming.

Dismissed accordingly.

(NIRMALJIT KAUR)

JUDGE

6.1.2020
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No