

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

217

**LPA-295-2014 (O&M)
Date of Decision: 01.09.2022**

Promila Sharma

..... Appellant

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present : Mr.Rajender Malik, Advocate
for the appellant.

Mr. Hitesh Pandit, Addl.A.G., Haryana.

Mr.M.S.Randhawa, Advocate
for respondents No.4 and 5.

G.S.SANDHAWALIA, J. (Oral)

The present appeal is directed against the order of learned Single Judge dated 01.03.2011 in CWP No.3686 of 2000 in which the appellant was arrayed as petitioner No.2. The learned Single Judge noticing that only two writ petitioners were left to press the petition namely Promila Sharma-writ petitioner No.2 (appellant herein) and Ramesh Kumar-writ petitioner No.7, allowed the writ petition and directed the respondents to pay the same salary to the writ petitioners as being paid to the privately managed Government Aided School in the State. The expenses so incurred would be apportioned between the State and the School Management in accordance with Grant-in-Aid Scheme applicable to the school from time to time.

The appellant herein is aggrieved against the fact that there was an interim order dated 07.04.2000 whereby the management as such was restrained from terminating the services of the writ petitioner by the learned Single Bench. It is the case of the appellant that she had been relieved on

31.03.2000 and the said order as such was anti-dated in order to overcome the interim order already granted. It is submitted that the writ was amended as such to challenge the order whereby she was relieved and the said aspect was never addressed by the learned Single Judge. It is not disputed that CM No.16399 of 2012 was filed on the ground that one of the relief had not been commented upon. The said order dated 21.11.2012 passed by the learned Single Judge as such reads as under :-

“As per the application one of the relief which was claimed in the writ petition have not been commented upon. That relief cannot now be considered by way of modification or clarification.

The applicant/petitioner may have their appropriate remedy in accordance with law. The application is accordingly disposed of.”

It is not disputed that the judgment in principle as such was challenged in Letters Patent Appeal No.171 of 2012 by the State which was dismissed on 08.02.2012 (Annexure A-6) and the SLP (Civil) No.14042 of 2012 has also been dismissed on 08.05.2012 (Annexure A-7). Thus the issue qua the financial benefits as such has become final inter se the parties. The only issue is now as to whether the termination was justified or not which has not been re-addressed and on account of termination order being in place the appellant cannot get the benefit of the same.

In such circumstances, we allow the appeal and the matter is remitted to the learned Single Judge only to the limited extent as to whether the termination was justified or not. Since the finding on that issue would be necessary to give financial benefits to the appellant which have already been allowed in principle regarding the equivalence of salary. Accordingly, the only issue to be decided would be whether the termination is bad or not.

Mr. Randhawa appearing on behalf of management submits that they be given adequate chance to rebut the said averments by filing amended written statement.

Keeping in view the above, the appeal is partly allowed to the said extent and the matter is remitted back to the learned Single Judge with liberty to the respondent as prayed for.

(G.S.SANDHAWALIA)
JUDGE

(JAGMOHAN BANSAL)
JUDGE

01.09.2022
anju

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>