

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

1. COCP-1070-2013 (O&M)

S. P. Anand

...Petitioner

Versus

Kashmir Singh and others

...Respondents

2. COCP-1072-2013 (O&M)

Prem Lata

...Petitioner

Versus

Kashmir Singh and others

...Respondents

Date of decision : 09.05.2023

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Ritam Aggarwal, Advocate
for the petitioner(s).

Mr. Ajit Singh Natt, AAG, Punjab.

Ms. Shubreet Kaur, Advocate
for respondent No. 3.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners are alleging violation of the order dated 07.12.2012, passed by this Court in CWP-5305-2012 and in two other connected writ petitions, vide which, the following order was passed:

“This order will dispose of bunch of writ petitions bearing CWP Nos.5305, 5361 and 5367 of 2012.

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However, the facts have been extracted from CWP No.5305 of 2012.

The petitioner herein is a retired teacher from a private recognised aided college. The claim is for payment of enhanced gratuity.

Learned counsel for the petitioner submitted that case of the petitioner is squarely covered by a Division Bench judgement of this Court in ***LPA No.920 of 2012*** titled as ***Arya College Rishi Dayanand Marg and another vs State of Punjab*** and others, decided on 01.10.2012.

Learned counsel appearing for the college and the Managing Committee thereof did not dispute that the claim of the petitioner is covered by the aforesaid Division Bench judgement of this Court.

After hearing learned counsel for the parties and considering the fair stand taken by the respondents, the writ petitions are disposed of in view of the aforesaid Division Bench judgement of this Court.”

It is worth noticing that the prayer made by petitioner S. P.

Anand in the main writ petition is to the following extent:

“(d) Issue an appropriate order, direction or writ especially in nature of mandamus directing the respondents to release the enhanced amount of gratuity from Rs. 3,50,000/- to Rs. 10,00,000/- in view of circular No. 3/23/09 dated 17/08/2009 (Annexure P-3), Circular dated 23/09/2009 (Annexure P-4) and Circular dated 14/10/2009 (Annexure P-5) alongwith other retiral benefits accrued to the petitioner on account of revision of pay scale w.e.f. 01/01/2006.”

Learned counsel for the petitioners submits that though the gratuity amount of Rs. 8.90 Lakh is paid to petitioner S. P. Anand and

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Rs. 9.35 Lakh is paid to petitioner Prem Lata on different dates, however, the revision of pay scale w.e.f. 01.01.2006 has not been granted to the petitioners.

As per reply, filed on behalf of the respondents, a categorical stand is taken that while disposing of the writ petitions, the only prayer made in paragraph No. 2 was for enhancement of gratuity amount and similar prayer is made in the connected writ petition.

Learned counsel for respondent No. 3 submits that vide judgment passed in aforesaid **LPA-920-2012**, the moot point involved was with regard to grant-in-aid given by the State of Punjab and the proportionate share to be paid by the institutions and a direction was issued by the LPA Bench that the payment to the respondents-employees in appeal, on account of arrears of pay, will be made by the State Government as per its share according to Grant-in-Aid Scheme and the payment of gratuity and leave encashment will be made by the college management to the respondents-employees.

Since a perusal of the order dated 07.12.2012 itself shows that the petitioners have restricted their claim to the payment of enhanced gratuity amount only as noticed above and the writ petitions were disposed of in terms of judgment dated 01.10.2012 passed in LPA-920-2012 and other connected appeals, on the face of it, no case of any willful disobedience is made out against the respondents.

Accordingly, the present petitions are rendered infructuous.

Rule stands discharged.

The petitioners are granted liberty to avail the alternative

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remedy, in accordance with law, if so advised.

Let a photocopy of this order be placed on the file of other connected case.

09.05.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No