

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

1. COCP-1734-2014 (O&M)	
GGN Khalsa College & another	...Petitioners
Versus	
Dr. Roshan Sunkaria and another	...Respondents
2. COCP-3387-2017 (O&M)	
Guru Nanak Khalsa College	...Petitioner
Versus	
S. K. Sandhu and another	...Respondents
3. COCP-522-2014 (O&M)	
Arya College Ludhiana	...Petitioner
Versus	
Roshan Sunkaria and another	...Respondents
4. COCP-713-2014 (O&M)	
A S College	...Petitioner
Versus	
Roshan Sunkaria and another	...Respondents
5. COCP-1267-2015 (O&M)	
Paramjit Singh & others	...Petitioners
Versus	
Sudarshan Sharma and another	...Respondents
6. COCP-1734-2014 (O&M)	
S D P College for Women	...Petitioner

Versus

Dr. Roshan Sunkaria and another ...Respondents

7. COCP-2802-2014 (O&M)

Hindu College ...Petitioner

Versus

Roshan Sunkaria and another ...Respondents

8. COCP-3242-2014 (O&M)

Arya College Ludhiana ...Petitioner

Versus

Roshan Sunkaria and another ...Respondents

9. COCP-33336-2014 (O&M)

PRMK Arya Mahila Mahavidalaya ...Petitioner

Versus

Roshan Sunkaria and another ...Respondents

10. COCP-465-2014 (O&M)

Arya College Ludhiana ...Petitioner

Versus

Roshan Sunkaria and another ...Respondents

11. COCP-790-2019 (O&M)

Arya College Ludhiana ...Petitioner

Versus

S. K. Sandhu and another ...Respondents

12. COCP-521-2014 (O&M)

Arya College Ludhiana	...Petitioner
Versus	
Roshan Sunkaria and another	...Respondents
13. COCP-2781-2014 (O&M)	
A D College	...Petitioner
Versus	
Roshan Sunkaria and another	...Respondents
14. COCP-2947-2014 (O&M)	
Gopichand Arya Mahila College Abohar	...Petitioner
Versus	
G. S. Ghuman	...Respondent
15. COCP-3010-2014 (O&M)	
Lajpat Rai DAV College Jagraon	...Petitioner
Versus	
G. S. Ghuman	...Respondent
16. COCP-3011-2014 (O&M)	
DAV College Malout	...Petitioner
Versus	
G. S. Ghuman	...Respondent
17. COCP-3012-2014 (O&M)	
R R Bawa DAV College for Girls Batala	...Petitioner
Versus	
G. S. Ghuman	...Respondent

18. COCP-3013-2014 (O&M)

Mata Mishri Devi DAV College Giddarbaha ...Petitioner

Versus

G. S. Ghuman ...Respondent

19. COCP-3014-2014 (O&M)

DAV College of Eduation Abohar ...Petitioner

Versus

G. S. Ghuman ...Respondent

20. COCP-3015-2014 (O&M)

DAV College for Women Ferozepur Cantt. ...Petitioner

Versus

G. S. Ghuman ...Respondent

21. COCP-3022-2014 (O&M)

DAV College of Education for Women Amritsar ...Petitioner

Versus

G. S. Ghuman ...Respondent

22. COCP-3166-2014 (O&M)

DAV College Abohar ...Petitioner

Versus

G. S. Ghuman ...Respondent

23. COCP-3167-2014 (O&M)

DAV College Bathinda ...Petitioner

Versus

G. S. Ghuman **...Respondent**

24. COCP-3355-2014 (O&M)

S M D R SD College **...Petitioner**

Versus

Roshan Sunkaria and another **...Respondents**

25. COCP-3379-2014 (O&M)

Doaba College and another **...Petitioners**

Versus

Roshan Sunkaria and another **...Respondents**

26. COCP-3386-2017 (O&M)

Hindu Kanya Mahavidalaya **...Petitioner**

Versus

S. K. Sandhu and another **...Respondents**

27. COCP-838-2014 (O&M)

A S College for Boys and another **...Petitioners**

Versus

Roshan Sunkaria and another **...Respondents**

28. COCP-1648-2014 (O&M)

Hindu Kanya College and others **...Petitioners**

Versus

Roshan Sunkaria and another **...Respondents**

29. COCP-1912-2014 (O&M)

S B A S Khalsa College **...Petitioner**

Versus

Roshan Sunkaria and another	...Respondents
30. COCP-837-2014 (O&M)	
Patel Memorial College	...Petitioner

Versus

Roshan Sunkaria and another	...Respondents
31. COCP-3616-2014 (O&M)	
Guru Nanak Khalsa Girls College	...Petitioner

Versus

Roshan Sunkaria and another	...Respondents
32. COCP-42-2015 (O&M)	
Shaheed kanshi Ram Memorial College	...Petitioner

Versus

Roshan Sunkaria and another	...Respondents
33. COCP-2644-2014 (O&M)	
A S College Khanna	...Petitioner

Versus

Roshan Sunkaria and another	...Respondents
34. COCP-2786-2014 (O&M)	
R K Arya College	...Petitioner

Versus

Roshan Sunkaria and another	...Respondents
35. COCP-3184-2014 (O&M)	

Guru Nanak Khalsa College for Women **...Petitioner**

Versus

Roshan Sunkaria and another **...Respondents**

36. COCP-3435-2014 (O&M)

A S College for Boys and another **...Petitioners**

Versus

Roshan Sunkaria and another **...Respondents**

37. COCP-550-2016 (O&M)

Saini Bar College **...Petitioner**

Versus

T. K. Goel **...Respondent**

38. COCP-3171-2014 (O&M)

Arya College Ludhiana **...Petitioner**

Versus

Roshan Sunkaria and another **...Respondents**

39. COCP-3172-2014 (O&M)

Arya College **...Petitioner**

Versus

Roshan Sunkaria and another **...Respondents**

40. COCP-3289-2015 (O&M)

S D S College for Women and another **...Petitioners**

Versus

T. K. Goel **...Respondent**

41. COCP-1632-2016 (O&M)

S D College Haryana ...Petitioner

Versus

T. K. Goel ...Respondent

42. COCP-1748-2015 (O&M)

Shanti Devi Arya Mahila College ...Petitioner

Versus

Roshan Sunkaria and another ...Respondents

43. COCP-3078-2016 (O&M)

Dashmesh Khalsa College ...Petitioner

Versus

Roshan Sunkaria and another ...Respondents

44. COCP-1429-2014 (O&M)

Akal College Jalandhar ...Petitioner

Versus

Roshan Sunkaria and another ...Respondents

45. COCP-2200-2014 (O&M)

DAN College of Education for Women and another ...Petitioners

Versus

Roshan Sunkaria and another ...Respondents

46. COCP-2514-2014 (O&M)

Dashmesh Khalsa College and another ...Petitioners

Versus

Roshan Sunkaria and another	...Respondents
47. COCP-2643-2014 (O&M)	
A S College Khanna	...Petitioner

Versus

Roshan Sunkaria and another	...Respondents
48. COCP-2977-2014 (O&M)	
SRPA Adarsh Bhartiya College	...Petitioner

Versus

Roshan Sunkaria and another	...Respondents
49. COCP-3243-2014 (O&M)	
Arya College	...Petitioner

Versus

Roshan Sunkaria and another	...Respondents
50. COCP-1803-2015 (O&M)	
Asha Pratap and another	...Petitioners

Versus

Darshan Pal Singla and another	...Respondents
51. COCP-2515-2014 (O&M)	
Baba Budha College	...Petitioner

Versus

Roshan Sunkaria and another	...Respondents
52. COCP-2800-2014 (O&M)	
Govind National College	...Petitioner

Versus

Roshan Sunkaria and another	...Respondents
53. COCP-5-2014 (O&M)	
Ved Vrat Pawar and others	...Petitioners

Versus

Roshan Sunkaria and others	...Respondents
54. COCP-1371-2016 (O&M)	
Swami Ganga Giri Janta Girls College	...Petitioner

Versus

Roshan Sunkaria and another	...Respondents
55. COCP-840-2014 (O&M)	
DM College and another	...Petitioners

Versus

Roshan Sunkaria and another	...Respondents
56. COCP-483-2016 (O&M)	
Radhey Shyam Gupta and others	...Petitioners

Versus

P. K. Goyal and another	...Respondents
57. COCP-3108-2016 (O&M)	
Guru Nanak College	...Petitioner

Versus

T. K. Goyal	...Respondent
58. COCP-1226-2015 (O&M)	
Ramesh Kumar Arora and others	...Petitioners

Versus

Sudarshan Sharma and another **...Respondents**
59. COCP-920-2014 (O&M)
SD College for Woman **...Petitioner**

Versus

Roshan Sunkaria and another **...Respondents**
60. COCP-3048-2014 (O&M)
Arya College **...Petitioner**

Versus

Roshan Sunkaria and another **...Respondents**
61. COCP-2347-2014 (O&M)
SDP College for Women **...Petitioner**

Versus

Roshan Sunkaria and another **...Respondents**
62. COCP-706-2014 (O&M)
Doaba College and another **...Petitioners**

Versus

Roshan Sunkaria and another **...Respondents**

Date of decision : 12.04.2023

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. B. S. Bhatia, Advocate for
Mr. Sameer Sachdeva, Advocate,
Mr. Rajdeep Singh Cheema, Advocate,
Mr. V. K. Shukla, Advocate,
Mr. Rishabh Gupta, Advocate,
Ms. Malvi Aggarwal, Advocate and

Mr. T. P. S. Tung, Advocate
for the petitioner(s).

Mr. Ayush Sarna, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Learned State counsel submits that the judgment and order dated 18.12.2007, passed by this Court in CWP-4081-2007 and other connected writ petitions was challenged before Hon'ble Supreme Court in SLP No. 13110/2008 and Hon'ble Supreme Court has passed the following order:

“1. Mr. Nidhesh Gupta, learned senior counsel, appears for the petitioners in the Special Leave Petitions filed by the Managing Committee of S.S. D. Girls College and others.

2. Mr. Patwalia, learned senior counsel, appears for the Managing Committee, A.S. Baba A.S.J.S. Memorial College.

3. There are some petitions, which are filed by the State of Punjab also. Mr. Kuldip Singh, AOR, appears for the State of Punjab.

4. All these petitions seek to challenge the orders passed by the Punjab & Haryana High Court in different writ petitions. The consequence of these orders have been that the College-Managements have been held liable to pay the gratuity and leave encashment, and the contributory provident fund to the college

teachers (which include Librarians and teachers in-charge of physical institution).

As far as contributory provident fund is concerned, the State is held liable to reimburse 90% of that amount.

5. Mr. Gupta, learned senior counsel points out that there are many aspects in these matters arising out of various statutes of the universities and the ordinances, which were placed placed before the High Court but the judgment of the High Court does not reflect on any of these submissions.

6. We have heard learned counsel for all the parties and we are of the view that the submissions raised in these Special

leave petitions which were also raised in the replies to the writ petitions in the High Court, ought to have been gone into by the High Court. In the circumstances, we revive all those writ petitions decided by the High Court, mentioned hereinbelow. They will be heard and decided afresh by the High Court after considering the submissions of the College Managements, the State of Punjab, as well as the teachers on the merits of those submissions. The numbers of writ petitions is as under:

"CWP Nos. 4081, 6439 and 6395, all of 2007, CW No. 10315 of 2007, CWP No. 23 of 2012, CWP No.16166 of 2011, No. 792 of 2011, CWP No. 8774 of 2004, CP No. 76 of 2006, CWP No. 12965 OF 2005, ,CW No. 18372 of 2004, CW No. 1105 of 2004 and CW No.12550 of 2003".

7. We note that in these matters, there has been an interim order dated 2nd April, 2009, whereby the College Managements were required to make these payments and then seek reimbursements from the State Government. This arrangement will apply to all the teachers until the revived writ petitions are decided. We make it clear that this arrangement will also be subject to the result of those writ petitions, which we expect the High Court to decide at the earliest.

8. In SLP (C) Nos. 10873, 10878, 10879 and 11498, all of 2006, Mr. Dinesh Kumar Garg, AOR appears for the petitioner-Managing Committee, S.K.R.M. College. In these matters there will be same order as above. However, as far as the direction of the High Court to pay the arrears of salary is concerned, that will be honoured by the College.

9. These Special Leave Petitions are dismissed as withdrawn.

10. In view of the disposal of the Special Leave Petitions, the contempt petitions also stand disposed of."

Learned State counsel further submits that in terms of the order, the State of Punjab is making payment of leave encashment and gratuity to the

petitioners, who were petitioners before Hon’ble Supreme Court and post remand, the matter is pending before the writ Court(s).

Since the matter is subjudice before the writ Court(s), the present petitions are rendered infructuous, at this stage.

Rule stands discharged.

The petitioners are granted liberty to revive these petitions by moving an appropriate application after decision of the writ petition(s), if so required.

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

12.04.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

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