

**115 IN THE HIGH COURT OF PUNJAB & HARYANA,
CHANDIGARH**

CWP No. 2656 of 2023

Date of decision : February 09, 2023

Amanpal Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Sandeep Kumar, Advocate
for the petitioner.

Pankaj Jain, J (oral).

Present petition has been filed under Article 226/227 of the Constitution of India praying for issuance of writ in the nature of mandamus in the form of direction to respondent No.2-The Educational Tribunal to decide the application filed by the petitioner for grant of stay on recovery being initiated by respondent Nos. 4 and 5. It has been further prayed that till the said application is decided the petitioner be granted interim protection.

Learned counsel for the petitioner submits that petitioner is working as Art and Craft Teacher. During the period of Covid-19 when nation wise lockdown was imposed the petitioner was paid salary. However later on a complaint was made that the petitioner has been wrongly marked present w.e.f. May, 2020 to

October, 2020. On the basis of such complaint impugned order dated 04.01.2023

has been passed whereby recovery of Rs.3,76,000/- has been ordered against the petitioner claiming that salary paid for the period w.e.f. 14.05.2020 to 18.10.2020 was despite the fact that the petitioner remained absent and did not perform her duties. The petitioner has already availed her remedy before the Educational Tribunal vide Petition No.7/2023. The said petition is accompanied with the stay application on which notice has also been issued to the respondent-employer. However, stay application could not be decided for want of proper forum.

Notice of motion.

Mr. Charanpreet Singh, AAG., Punjab who is present in Court accepts notice on behalf of the State.

Mr. Deepak Sonak, Advocate has filed his Memo of Appearance. The same is taken on record. He accepts notice on behalf of respondent Nos. 4 and 5. He is not in a position to dispute the aforementioned factual position borne from the record.

I have heard learned counsel for the parties and have gone through the record of the case.

Keeping in view the aforesaid peculiar facts and circumstances the present writ petition is disposed off with a direction to the respondents to decide the application praying for stay of recovery filed by the petitioner as soon as the forum is complete in accordance with the rules. Till the application filed by the

petitioner is adjudicated upon by the Tribunal, recovery pursuant to order dated 04.01.2023 (Annexure P-11) shall remain stayed.

(PANKAJ JAIN)
JUDGE

February 09, 2023
archana

Whether speaking/reasoned Yes
Whether Reportable No