

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

133

2023:PHHC:067371

CWP-10013-2023

Date of decision: 10.05.2023

KULDEEP SHARMA AND OTHERS

..Petitioners

Versus

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.C. Arora, Advocate
for the petitioners.

Mr. Vikas Arora, AAG, Punjab.

ANIL KSHETARPAL, J(Oral)

Against respondent No.2-Institute, two connected writ petitions have come up for final disposal on 20.04.2023. The writ petition was disposed of with the following order:-

“1. On 13.04.2023, the following order was passed:-

“1. Employees of Baba Hira Singh Bhattal Institute of Engineering and Technology, Lehragaga, District Sangrur, have filed these writ petitions complaining non-payment of their salary since December, 2019. This Institute is stated to be an autonomous body, whose Chairman and Members are the nominees of the State Government. On 11.04.2023, Sh.Rahul Bhargava, Advocate, entered appearance for the Institute and prayed for a short accommodation to have complete instructions.

2. Today, Ms. Ramandeep Kaur Suhag, Advocate, has entered appearance on behalf of Mr. Rahul Bhargava, Advocate has submitted that the officials of the respondent-Institute are not responding to their repeated telephonic calls.

3. Learned counsel representing the petitioners has submitted that the Institute is making efforts to dispose of its property, as per the directions of the State Government.

4. Prima facie, the employees of the Institute have preferential right to claim the recovery of their salary

from the assets of the Institute. Hence, the respondent-Institute or the State Government is restrained from disposing of its property without settling the claim of its employees.

5. List on 19.04.2023, in the urgent list.

6. A photocopy of this order be placed on the file of the other connected case.”

2. Thereafter, the case taken up on 19.04.2023 and the following order was passed:-

“During the course of hearing learned State counsel has filed reply with a copy to learned counsel representing the petitioners. He, on instructions from Sh. Jagdeep Singh Sidhu, Deputy Director, Department of Technical Education and Industrial Training, Punjab, submits that the services of the petitioners have already been retrenched and they are no longer on the roll of the Institute.

Adjourned to 20.04.2023.

A photocopy of this order be placed on the file of the other connected case.”

3. Sh. Mohanbir Singh Sidhu, Additional Director, Department of Technical Education and Industrial Training, Punjab, has appeared along with Sh. D.K.Singal, Additional Advocate General, Punjab.

4. The Court has been informed that the concerned Institute possess certain assets and maintains the bank accounts. It is also stated that the services of the petitioners have not been dispensed with as of now.

5. Keeping in view the aforesaid facts, this Court is left with no choice but to direct the Principal Secretary, Department of Technical Education and Industrial Training, Punjab, who is a member of the Board of Governors of the Institute to dispose of the property of the Institute in order to pay the amount to the petitioners within a period of one month from today, positively.

6. The interim order restraining the Institute from disposing of its property before settling the preferential claim of the petitioners, who are employees, shall continue to operate till the claim of the petitioners is settled.

7. Disposed of accordingly.

8. All the pending miscellaneous applications, if any, are also disposed of.”

The learned counsel representing the parties are *ad idem* that this writ petition is also required to be disposed of in the same terms.

Ordered accordingly.

All the pending miscellaneous applications, if any, are also disposed of.

May 10th, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*