

2023:PHHC:091334

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

CWP-10335-2023

Date of Decision: 20.07.2023

Rajwinder Kaur

..... Petitioner

Versus

U.T., Chandigarh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Gurnoor S.Sandhu, Advocate
for the petitioner.

Ms. Madhu Dayal, Standing Counsel,
U.T., Chandigarh and
Ms. Aashna Gill, Junior Panel Counsel,
U.T., Chandigarh.

HARSH BUNGER J. (ORAL)

1. Present petition under Articles 226/227 of the Constitution of India has been filed by the petitioner seeking issuance of a writ in the nature of Mandamus directing the respondent-Department of Education, Chandigarh Administration to approve the favourable recommendations dated 07.06.2022 (Annexure P-59) of the Administrator/Receiver of the respondent-School, which according to the petitioner was duly forwarded by the District Education Officer vide its letter dated 05.07.2022 (Annexure P-60) to the Director, School Education, Chandigarh Administration.

2. Mr. Devinder Kaushik, Advocate appears and files Vakalatnama on behalf of respondent No.3 in Court today, which is taken on record, subject to all just exceptions.

3. Learned counsel representing the U.T., Chandigarh has handed over a photocopy of order dated 18.07.2023 passed by the Directorate of School Education, Chandigarh Administration in Court today, which is taken on record, subject to all just exceptions. Relevant extract thereof reads as under:-

“ And whereas, an opportunity of personal hearing was given to Smt. Rajwinder Kaur, Headmistress (now Retd.) as well as Management committee on 11.07.2023 at 11:00 a.m. Smt. Rajwinder Kaur, Headmistress (now Retd.) requested to release the salary of suspension period, four increments and CPF. The Manager of the school has failed to show any sanction taken from the undersigned as required under Section 5 of Punjab Privately Managed Recognized Schools Employees (Security of Service) Act, 1979 as adopted by U.T. Chandigarh vide notification dated 30.05.2018. Hence, the orders of interim relief revoking suspension of Smt. Rajwinder Kaur, Headmistress (now Retd.) vide dated 15.10.2020 is made final. The Manager of the school requested that all cases of Smt. Rajwinder Kaur, Headmistress (now Retd.) forwarded by her unauthorized for release of her service/suspension period benefits may be returned to the school and no benefits should be released till the finalization of enquiry proceedings.

After going through the above details, the undersigned is of the opinion that enquiry proceedings are still pending against Smt. Rajwinder Kaur, Headmistress (now Retd.) and the final decision on the enquiry report is yet to be taken by the school management. The management must decide the charge-sheet preferably within 3 months and deal with the release of retiral benefits without any delay.”

4. In view the aforesaid order dated 18.07.2023, passed by the Directorate of School Education, Chandigarh Administration, learned counsel for the petitioner submits that he may be permitted to withdraw the

instant petition with liberty to the petitioner to avail his other legal remedies, as may be available to him, in accordance with law and also to raise all the pleas taken in this petition and other grounds, as may be available to the petitioner.

5. Keeping in view the above submission made by learned counsel for the petitioner, the present petition is dismissed as withdrawn with the liberty aforesaid.

6. All the pending application(s), if any, shall also stand closed.

20.07.2023*Apurva***(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No