

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-23463-2016 (O&M)
Date of Decision: 02.08.2023

DAV College Trust and Management Society and another

. . . . Petitioners

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Rajdeep Singh Cheema, Advocate
 for the petitioners.

Ms. Shivani Sharma, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner is an aided institution and has preferred this Writ Petition praying for directing the respondents to release outstanding grant-in-aid due to the institution from the State Government pertaining to the period from 2008-09 to 2014-15 and thereafter also.
2. It is stated that a huge outstanding amount is required to be disbursed to the institute by the Government against grant-in-aid and which is due to be paid to the non-teaching staff.
3. Learned counsel for the petitioner asserts that the non-teaching staff also comes within the grant-in-aid scheme.
4. The respondents' stand is that the non-teaching staff appointed by the institution is on contract basis and therefore the payment is not to be made.
5. The issue is required to be examined by the State Government whether the non-teaching staff appointed by the institute are working on the sanctioned

post or not. If they are working on the sanctioned post of non-teaching staff, as per the Rules they would be entitled for payment.

- 6. The amount accordingly is required to be released as grant-in-aid to the institute.
- 7. The State Government shall assess the amount to be released and the same shall be released to the institute. The amount may be released in installments if the same is found to be more than the budget available with the department.
- 8. The petitioners, if still aggrieved with denial of certain amount or the entire amount, shall be entitled to take up the remedy of raising a dispute before the Education Tribunal. It is expected for the Education Tribunal to examine the said dispute at its own level by the going into the factual aspects, since this Court in Writ Petition would not be examining the factual aspects.
- 9. Leaving it as above, the Writ Petition stands *disposed* of.
- 10. Action is expected to be taken expeditiously within a period of 4 months from today.
- 11. Pending application(s), if any, also stands disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

August 02, 2023
Mohit goyal

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |