

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

**COCP-2533-2021 (O&M)
Date of decision: 26.07.2023**

Savita Dhull

...Petitioner

Versus

Anand Mohan Sharan and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Deepak Kundu, Advocate
for the petitioner.

Mr. Harsh Vardhan Shehrawat, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner alleges violation of the order dated 27.04.2021, passed by this Court in CWP-11559-2020, vide which, while disposing of the writ petition, the following order was passed:

“...A perusal of the impugned letter (Annexure P-12) shows that the respondents have sought to apply the Haryana Aided Affiliated College (Pension & Contributory Fund) Rules, 1999 while considering the representation of the petitioner. Surprisingly, in the short reply filed on behalf of respondent Nos.1 and 2 it is stated that *“It is further relevant to mention here that college where the petitioner was working prior to taken over was un-aided (self-financed) and such colleges are not covered under the above scheme”*. Once the respondents are themselves aware that the S.U.S. National College, Matak Majri was a private un-aided college at the time of it’s taking over by the State Government, there was no occasion for them to examine

the petitioner's representation under Rules applicable to aided colleges. The petitioner's representation (Annexure P-7) makes no mention of the Haryana Aided Affiliated College (Pension & Contributory Fund) Rules, 1999 and she did not seek any relief under the said Rules. Further, the petitioner along with her representation (Annexure P-7) had attached a copy of the PF refund order (Annexure P-3). Thus, the impugned letter (Annexure P-12) has been issued without properly examining the facts and the relevant record.

In view of the discussion above, the impugned letter dated 11.06.2020 (Annexure P-12) is set aside. The respondent No.2 is directed to examine and decide the petitioner's representation (Annexure P-7) afresh under the relevant and applicable law/Rules and after also considering the relevant record pertaining to her employment with the S.U.S. National College, Matak Majri, Indri, Karnal. Needful be done within a period of three months from the date of receipt of a certified copy of this order. Disposed off."

A perusal of the aforesaid order shows that though the letter dated 11.06.2020 was set aside, however, a discretion was given to respondent No. 2 to examine and decide the petitioner's representation afresh by passing a fresh order.

Respondent No. 2, on two occasions, has filed compliance affidavits that a speaking order has been passed; firstly on 26.08.2022 and again on 09.03.2023, when the second compliance affidavit was filed, wherein it is stated that the claim of the petitioner was not admissible.

In view of the same, no case of any willful disobedience is made out against the respondents.

Accordingly, the present petition is dismissed.

Rule stands discharged.

However, the petitioner is granted liberty to avail the alternative remedy in accordance with law, if so advised.

26.07.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

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