

CM-6846-C-2022 in/and RSA-2049-2017 and other connected case
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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(106) **CM-6846-C-2022 in/and**
RSA-2049-2017
Date of Decision : January 23, 2023

**Managing Committee Master Gurbanta Singh Memorial Janta
College Kartarpur and others**
.. Appellants

Versus

Varinder Kaur Bhatia and others **.. Respondents**

(106-A) **CM-6847-C-2022 in/and**
RSA-2228-2017

**Managing Committee Master Gurbanta Singh Memorial Janta
College Kartarpur and others**
.. Appellants

Versus

Varinder Kaur Bhatia and others **.. Respondents**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: **Mr. K.S. Dadwal, Advocate and**
Ms. Neha Jain, Advocate, for non-applicants/appellants.

Mr. Sameer Sachdeva, Advocate,
for applicant-respondent No.1.

Mr. Tejinderbir Singh, Advocate, for respondent No.4.

Mr. S.P. Soi, Advocate, for respondent No.5.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-6846-C-2022 and CM-6847-C-2022

Applications are for vacation of ex parte stay order dated 01.06.2018.

Counsel for both sides are present in this case.

Applications are disposed of with the following order.

RSA-2049-2017 and RSA-2228-2017

On the request of learned counsel for the parties, the appeals are taken up for hearing.

By this common order, two Regular Second Appeals, the details of which have been given in the heading of the order, are being disposed of as both the appeals involve the same question of law on similar facts.

Learned counsel for the respondents submits that it is a matter of fact that while addressing arguments before the trial Court the claim for seniority and other benefits except the pay scale were given up by the respondent No.1-plaintiff, hence, the grant of the same by the Court below, which is being agitated in the present appeal, may kindly be treated having been not pressed and judgment of the Court below may be modified to the said extent that the respondent No.1-plaintiff is only claiming benefit of pay scale for the period she had worked on ad hoc basis.

Learned counsel for the appellants submits that the minimum of the pay scale is admissible to the respondent No.1-plaintiff keeping in view the judgment of the Hon'ble Supreme Court of India in ***State of Punjab vs. Jagjit Singh, 2016 (4) SCT 641***, which benefit has already been extended to the respondent No.1-plaintiff.

Learned counsel for the parties submits that as there is no dispute with regard to the fact that the respondent No.1-plaintiff is not claiming the seniority as claimed in the suit filed, being already given up before the trial Court, hence, the judgment dated 23.12.2016 of the lower Appellate Court be modified to the said extent that the respondent No.1-plaintiff will not be entitled for the seniority being claimed and with regard to the grant of pay scale during the period when respondent No.1-plaintiff had served on ad hoc basis, the same will be considered in terms of the judgment in ***Jagjit Singh's case (supra)***.

Keeping in view the agreement between the parties concerned, the judgment of the lower Appellate Court is modified to the extent that the respondent No.1-plaintiff will not be entitled for seniority as being granted by the lower Appellate Court in its order dated 23.12.2016 and with regard to the financial benefits for the period when the respondent No.1-plaintiff had served on adhoc basis, the said benefits will be considered in accordance with the judgment of the Hon'ble Supreme Court of India in ***Jagjit Singh's case (supra)***.

Learned counsel for the appellants submits that keeping in view the order passed today in the present appeals, the amount for which the respondent No.1-plaintiff will become entitled for as per the judgment of the Hon'ble Supreme Court of India in ***Jagjit Singh's case (supra)*** will be calculated afresh for the period she had served on adhoc basis and in case, it is found that respondent No.1-plaintiff is found entitled to any amount keeping in view the said computation, the same will be released within a period of four months from the receipt of copy of this order.

Learned counsel for the appellants further submits that in case it is found that the respondent No.1-plaintiff has already been paid beyond her entitlement, liberty be given to the appellants to recover the said excess amount in accordance with law.

Ordered accordingly.

As the claim of the parties have been settled by this order, in case, the pensionary benefits of the respondent No.1-plaintiff, if any, have been withheld even as of now, appropriate action be taken to release the said pensionary benefits otherwise, appropriate order on the said aspect be passed informing the respondent No.1-plaintiff that all the pensionary benefits have already released with due reasons.

It may be noticed that qua the modification of the order dated 23.12.2016, which has been done to the judgment of the Courts below in this order, rest of the order granting the interest upon the respondent No.1-plaintiff will remain the same.

The present Regular Second Appeals are disposed of in above terms.

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

January 23, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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