

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

CWP No. 27352 of 2022

Date of decision : April 18, 2023

State of Punjab and another

..... Petitioners

Versus

Dr. Chhaju Ram Sangha and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :-Mr. Aman Dhir, DAG., Punjab
for the petitioners.

Mr. Manjinder Singh Saini, Advocate
for the respondents.

PANKAJ JAIN, J. (ORAL)

Present writ petition has been filed by the State seeking writ in the nature of certiorari for quashing order dated 16.12.2019 (Annexure P-7) passed by the Punjab Educational Tribunal. The respondents who are working as Librarians in D.A.N College of Education, S.B.S. Nagar approached Educational Tribunal seeking the relief of revision of pay as per the relevant guidelines issued by the University Grants Commission.

From the order dated 16.12.2019 (Annexure P-7) impugned in the writ petition it seems that on 22.11.2019 direction was issued by the Tribunal to redress grievance of the petitioners to DPI Colleges. Admitting the claim of the petitioners an affidavit was filed before the Tribunal which reads as under:-

Short reply by way of Affidavit of Jagdeep Singh, Deputy Director

(C&P) office of Director Public Instruction (C) Punjab, on behalf of respondents

No. 1 and 2.

I, the above named deponent do hereby solemnly affirm and declare as under:

Respectfully Showeth:

1. That the petitioner has filed the present petition before this Hon'ble Tribunal praying for release of the arrears along with interest which are due from 01.01.2006 as revised pay scale in view of the notification dated. 02.09.2009.

2. That it is humbly submitted that the office of deponent has admitted the claim of petitioner for the period from 01.01.2006 to 14.03.2009 which amounts to Rs. 7,97,085/- (Rupees Seven Lacs Ninety Seven Thousand Eighty Five only) as per 95% share of the Government, being arrears on account of the revised pay scales.

3. That after verification of the claim of the petitioner by the pre-audit department of respondent no. 2 (office of deponent), the claim of the petitioner as verified, has been sent to the government for obtaining financial sanction vide letter dated 10.12.2019 bearing memo no. 17/36-2019 Grant-1(4)/711. The copy of letter dated 10.12.2019 is attached herewith as Annexure R-1.

4. That it is further submitted here that as and when the claim of the petitioner will be sanctioned by the Government, then the payment of claim shall be credited to the account of respondent college in due course as per grant-in-aid scheme.”

Alongwith the same, communication dated 10.12.2019 was also attached wherein it was claimed that the entitlement of the petitioners stands verified by pre-audit cell attached to the office of DPI (Colleges), Punjab. The same reads as under:-

Respectfully it is stated that the above mentioned case was pending for hearing on dated 22.11.2019 before the Hon'ble Educational Tribunal in which the Hon'ble Educational Tribunal Punjab has given time of 4 weeks to take action in this case. The petitioner Dr. Chajju Ram Sanga, Librarian has demanded the revised pay scale arrear from dated 01.01.2006 to 14.03.2009. The total amount is of Rs.7,97,085/- which has been duly verified by the Pre-Audit Cell of this office. (Copy Enclosed).

As per the notification of the Finance Department dated 11.04.2019, the

verification of the proposal has been done by the SAS Cader Official. Therefore,

it is requested to give sanction to release Rs.7,97,085/- from the grant- in-aid budget of 2019-20 under budget head 2202-General Education-03 University and Higher Education-104 Assistance to Non-Government colleges and Institutions, grant-in-aid salary 01.00.31 So that the order of Hon'ble Educational Tribunal, Punjab are complied with and the department does not face any legal hassle.

It was in these circumstances that the Tribunal found that since the grievance of the petitioners stood addressed and the petition was disposed off in view of the affidavit filed by the competent officer.

Learned counsel representing the State has not been able to point out any infirmity or illegality in the order dated 16.12.2019 (Annexure P-6) as infact there is no adjudication of rights by the said order. The said order has only been passed to disposed off the petition that too in the light of the affidavit filed by the competent officer of the State.

Law related to writ of certiorari is settled. Supreme Court in T.C. Basappa Vs. T. Nagappa, 1955-1 SCR 250 at page 256-8 held as under:-

“that the control which is exercised through it over judicial or quasi-judicial Tribunals or bodies is not in appellate but supervisory capacity. In granting a writ of certiorari, the superior Court does not exercise the powers of an appellate Tribunal. It does not review or reweigh the evidence upon which the determination of the inferior Tribunal purports to be based. It demolishes the order which it considers to be without jurisdiction or palpably erroneous but does not substitute its own views to those of the inferior Tribunal. The supervision of the superior court exercised through writs of 'certiorari' goes on two points, one is the area of inferior jurisdiction and the qualifications and conditions of its exercise;

the other is the observance of law in the course of its exercise. Certiorari may lie and is generally granted when a Court has acted without or in excess of its jurisdiction. The want of jurisdiction may arise from the nature of the subject matter of the proceeding or from the absence of some preliminary proceeding or the Court itself may not be legally constituted or suffer from certain disability by reason of extraneous circumstances.”

Keeping in view the aforesaid, this Court finds that writ of certiorari cannot be issued in the absence of there being any illegality/infirmary in the order impugned in the present writ petition.

Resultantly, the writ petition is dismissed.

(PANKAJ JAIN)
JUDGE

April 18, 2023
archana

Whether speaking/reasoned	Yes
Whether Reportable :	No