



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

**COCN No. 970 of 2017 (O&M)
Date of Decision: 02.09.2024**

Dr. Malkiat Singh Grover and another
..... Petitioners

Versus

Mr. Anuraag Verma, Principal Secretary,
Higher Education, Civil Secretariat, Punjab and others
..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Puneet Jindal, Senior Advocate, assisted by
Ms. Malvi Aggarwal, Advocate
for the petitioners.

Mr. Athar Ahmad, Deputy Advocate General, Punjab
for respondent Nos. 1 & 2.

Mr. Prateek Pandit, Advocate
for respondent Nos. 3 & 4-Lyallpur Khalsa College, Jalandhar.

HARKESH MANUJA, J. (ORAL)

The petitioners, by way of present petition, seek initiation of contempt proceedings against the respondent(s), alleging willful disobedience of the order dated 24.04.2012 (**Annexure P-1**) passed by this Court in CWP No. 22049 of 2011, as affirmed vide order dated 01.10.2012 (Annexure P-2) passed in LPA No. 1010 of 2012.

[2] Learned counsel for the respondent(s) submits that the judgment and order dated 18.12.2007, passed by this Court in CWP-4081-2007 and other connected writ petitions was challenged before Hon'ble Supreme Court in SLP No. 13110/2008 and Hon'ble Supreme Court has passed the following order:-

- “ 1. *Mr. Nidhesh Gupta, learned senior counsel, appears for the petitioners in the Special Leave Petitions filed by the Managing Committee of S.S. D. Girls College and others.*
2. *Mr. Patwalia, learned senior counsel, appears for the Managing Committee, A.S. Baba A.S.J.S. Memorial College.*
3. *There are some petitions, which are filed by the State of Punjab also. Mr. Kuldip Singh, AOR, appears for the State of Punjab.*
4. *All these petitions seek to challenge the orders passed by the Punjab & Haryana High Court in different writ petitions. The consequence of these orders have been that the College-Managements have been held liable to pay the gratuity and leave encashment, and the contributory provident fund to the college teachers (which include Librarians and teachers in-charge of physical institution). As far as contributory provident fund is concerned, the State is held liable to reimburse 90% of that amount.*
5. *Mr. Gupta, learned senior counsel points out that there are many aspects in these matters arising out of various statutes of the universities and the ordinances, which were placed before the High Court but the judgment of the High Court does not reflect on any of these submissions.*
6. *We have heard learned counsel for all the parties and we are of the view that the submissions raised in these Special leave petitions which were also raised in the replies to the writ petitions in the High Court, ought to have been gone into by the High Court. In the circumstances, we revive all those writ petitions decided by the High Court, mentioned hereinbelow. They will be heard and decided afresh by the High Court after considering the submissions of the College Managements, the State of Punjab, as well as*

the teachers on the merits of those submissions. The numbers of writ petitions is as under:

"CWP Nos. 4081, 6439 and 6395, all of 2007, CW No. 10315 of 2007, CWP No. 23 of 2012, CWP No.16166 of 2011, No. 792 of 2011, CWP No. 8774 of 2004, CP No. 76 of 2006, CWP No. 12965 OF 2005, CW No. 18372 of 2004, CW No. 1105 of 2004 and CW No.12550 of 2003".

7. *We note that in these matters, there has been an interim order dated 2nd April, 2009, whereby the College Managements were required to make these payments and then seek reimbursements from the State Government. This arrangement will apply to all the teachers until the revived writ petitions are decided. We make it clear that this arrangement will also be subject to the result of those writ petitions, which we expect the High Court to decide at the earliest.*
8. *In SLP (C) Nos. 10873, 10878, 10879 and 11498, all of 2006, Mr. Dinesh Kumar Garg, AOR appears for the petitioner-Managing Committee, S.K.R.M. College. In these matters there will be same order as above. However, as far as the direction of the High Court to pay the arrears of salary is concerned, that will be honoured by the College.*
9. *These Special Leave Petitions are dismissed as withdrawn.*
10. *In view of the disposal of the Special Leave Petitions, the contempt petitions also stand disposed of."*

[3] Learned State Counsel further submits that in terms of the aforesaid order, the State of Punjab is making payment of leave encashment and gratuity to the petitioners, who were petitioners before Hon'ble Supreme Court and post remand, the matter is pending before the writ Court(s).

[4] Since the matter is subjudice before the writ Court(s), the present petition is rendered infructuous, at this stage.

[5] Rule stands discharged.

[6] The petitioners are granted liberty to revive the petition by moving an appropriate application after decision of the writ petition(s), if so required.

September 02, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>