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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1073-2024

Date of Decision: 18.01.2024

Surinder Kumar Sharma and others

. . . . Petitioners

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Sunny Singla, for the petitioners.

Mr. Vishnav Gandhi, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Notice of motion.
2. Mr. Vishnav Gandhi, DAG, Punjab accepts notice on behalf of the State. He was apprised of the order passed on 09.01.2024 in identical matter where this Court applied the judgment passed in bunch of writ petitions with leading case of CWP-4629-2012 decided on 19.02.2018 which has been upheld in LPA as well as by the Supreme Court in the SLP.
3. Learned counsel for the State submits that if the case of the petitioners is same, the order shall be applied to them too.
4. This Court in CWP-31046-2018 decided on 09.01.2024, has noticed the order passed previously in CWP-4629-2012 decided on 19.02.2018, wherein it was held as under:

“It is to be noticed that all the petitioners were working on the aided posts and were being paid 95% by the State with overall control upon their services. The appointments against the aided posts are made with the approval of the Director. As per Section 4 of the Punjab Privatively Managed Recognized

School (Security of Service) Act, 1979 (for short “the Act”), no employee shall be dismissed, removed, terminated or reduced either in rank or within a time scale except with the prior approval of the Director. Thus, the posts held by the petitioners were substantially controlled by the Government and therefore, as per Rule 4.4 of the of the PCS Rules, their pay which the petitioners had been already drawing is liable to be protected. Further, as per Section 7 of the Act, while working in the aided schools they were entitled to the scale of pay and dearness allowances equivalent to the employees of the state Government holding corresponding posts. Their claim in this regard is covered by Govt. instructions dated 15.11.2000 (Annexure P-2). The Punjab Civil Service Rules are applicable upon them in respect of their pay fixation as per Rule 69 of the Grant in Aid Rules reproduced above. Hence, as per Rule 4.4 of the PCS Rules and Govt. Instructions dated 15.11.2000 (Annexure P-2), they are entitled to benefits of their previous service rendered by them in the Govt. aided schools towards fixation of their pay in the Govt. Schools with all consequential benefits.

Consequently, all the writ petitions are allowed. The respondents are directed to fix the pay of the petitioners in terms of rule 4.4 of the PCS Rules and grant them the necessary consequential benefits as well.”

5. Writ Petition is disposed of in the aforesaid terms *mutatis mutandis*, and the petitioners would be given the same benefits, if their case is similar to the above.

(SANJEEV PRAKASH SHARMA)
JUDGE

January 18, 2024
Mohit goyal

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