

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

124

CWP-19003-1996 (O&M)
Date of decision: 12.12.2024

SUKHDEV SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB & OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Alankrit Bhardwaj, Advocate
for the petitioner.

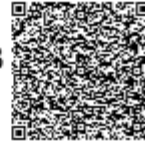
Mr. Raghav Garg, Asstt. A.G. Punjab.

Mr. Ish Puneet Singh, Advocate
for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present writ petition is to the order dated 17.06.2015 whereby the claim of the petitioner for gratuity at the revised pay has been declined.

Learned counsel appearing on behalf of respondents No.1 and 2 contends that the specific case of the petitioner as pleaded in Para No. 7 of the petition is that he was appointed as a Electrical Supervisor in the year 1959 at a consolidated pay by the Nankana Sahib Education Trust and even as per the letter dated 27.02. 1998, the demand was raised from the Nankana Sahib Education Trust itself. Hence, the writ petition is not maintainable and that there is no liability on the part of the respondents to pay any arrears or revision of leave encashment.

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A specific question was posed to the Counsel for the petitioner as to how a writ petition would be maintainable against a private trust and as to whether the trust had passed a resolution revising the pay grades, if any and as to whether the trust would fall within the definition of Article 12 of the Constitution of India.

Counsel for the petitioner is not in a position to respond to any of the above.

Under the given circumstances, I find that the petitioner is not able to establish that the respondent No.3-Education Trust is an agency and instrumentality of State and also that the pay revision of 01.01.1996 was extended to the trust automatically.

For the foregoing reasons, I find that the present writ petition would not be maintainable against a private entity. The same is dismissed at this stage with liberty to the petitioner to take recourse to alternative remedies available to him against the private entity, if so advised.

(VINOD S. BHARDWAJ)
JUDGE

DECEMBER 12, 2024*Vishal sharma*

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