



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

CM-2936-LPA-2024 in/and LPA-1223-2024 (O&M)

Date of decision : 20.05.2024

Malwa Education Council Bondli – Samrala and another

.....Appellants

Versus

Baljit Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA, ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Mr. Karambir Singh Chawla, Advocate,
for the appellants.

Mr. Mohit Vashishat, Advocate,
for respondent No.1.

Mr. Anurag Chopra, Advocate,
for respondent No.2 – University.

G.S. SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

CM-2936-LPA-2024

For the reasons stated in the application, duly supported by an affidavit of the Officiating Principal of the appellant College, delay of 78 days in filing the appeal is condoned.

Application is, accordingly, allowed.

LPA-1223-2024 (O&M)

The present appeal is directed against the order dated 20.01.2020 passed by the learned Single Judge, whereby the writ petition (CWP-12850-2019) was disposed off with an innocuous prayer that the writ petitioner (respondent No.1 herein) would retire on 31.05.2019 instead of 10.05.2019.



The additional relief granted, which has been strongly opposed by the present appellants, was that the retiral benefits of the writ petitioner would be released within a period of four weeks.

2. We failed to understand as to how the employer as such can oppose such a relief. It has been held time and again that retiral benefits are not a bounty, but a right of the employee who has served the employer for over 27 years in the present case. It is in such circumstances that the learned Single Judge while disposing of the writ petition took an undertaking as such from the counsel for the Management, who is now in appeal. The said order dated 20.01.2020 had also been appealed against by filing LPA-4108-2020 and the said LPA was dismissed as withdrawn with liberty to the appellants to file an appropriate application for review/re-call of the order.

3. The review application (RA-CW-190-2020) filed by the appellants has now been dismissed by the learned Single Judge vide order dated 05.12.2023 with costs of Rs. 10,000/-. Learned Single Judge, while dismissing the review application, noticed that the basic plea taken by the appellants was that the funds were not available with them and therefore, direction could not be issued to them and the order dated 20.01.2020 passed in the writ petition should be reviewed. Reliance was placed upon a decision of the Apex Court in **S. Murali Sundaram Vs. Jothibai Kannan and others, 2023 SCC Online SC 185.** Learned Single Judge also relied upon the ancillary prayer which had been made in the writ petition. It was observed that the Court could mould the relief and pass suitable orders to end the litigation. Resultantly, the review application has been dismissed with costs of Rs. 10,000/-.



4. We do not find any illegality in the initial order dated 20.01.2020, which is sought to be appealed against.
5. Keeping in view the argument raised, if the appellants have any grievance regarding non-payment of their grant in aid, it is not the appropriate forum for them to agitate. Admittedly, legal recourse has already been taken by the appellants by filing appropriate writ petition. It is painful to note that an employee who retired five years back, has not been granted his retiral benefits.
6. Resultantly, we do not find any tangible reason as such to interfere in the order passed by the learned Single Judge.
7. Appeal is, accordingly, dismissed *in limine*.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

May 20, 2024
ndj

Whether speaking/reasoned	Yes
Whether reportable	No