

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-11574-2019 (O&M)
Date of Decision:09.01.2024

CHOUHAN SINGH AND ANOTHER*Petitioners*

V/s.

STATE OF PUNJAB AND OTHERS*Respondents*

CORAM: **HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**

Present: Mr. K.D.S. Sodhi, Advocate for the petitioners.

Mr. Vishnav Gandhi, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. Learned counsel for the petitioners limits his prayer to release of monthly salaries of the petitioners w.e.f. 21.12.2016.
2. Learned counsel for the petitioners submits that the Sant Baba Sewa Singh Memorial Khalsa College for Girls, Guru Ka Khuh Munne (Nur Pur Bedi) (hereinafter referred to as “the College”) was taken over by the State Government on 21.12.2016. The Management released the salaries of the petitioners upto 21.12.2016 whereafter their salaries were not paid by the State Government while they continued to perform their duties upto 10.02.2018 and their services were dispensed with on the ground that they did not possess the requisite qualifications for the respective posts.
3. Learned counsel for the petitioners submits that since the petitioners have worked for the intervening period, their salaries should be released.

4. The respondents have filed their reply and it is stated that as a pre-condition of taking over the College, in the notification it was mentioned that the employees who fulfilled the requisite qualifications for the respective posts, would only be taken over by the Government in the Government service. Thereafter, a Committee of experts was constituted on 25.07.2017 to examine the qualifications of the employees of the College so that they may be treated as Government Servants. The Committee recommended to take over 9 (nine) teaching staff members while 13 teaching and non-teaching staff members did not have the requisite qualifications and did not fulfill the conditions which include the present petitioners. Thus, they could not be taken over as the Government servants and therefore, would not be entitled for salary.

5. I have considered the submissions of the learned counsel for the parties.

6. The petitioners have continued after taking over of the College by the Government, however, on scrutiny of their educational qualifications, their services were dispensed with as they did not possess the requisite educational qualifications as required under the Rules. Their salary for the intervening period would have, therefore, to be paid on fixed amount as was being done by the erstwhile Management.

7. It is also noticed that the petitioners have rejoined in the Higher Education Institution Society, Sant Baba Sewa Singh Memo. Government College (Girls), Guru Ka Khuh (Munne) Rupnagar on 20.02.2019.

8. Thus, the claim is only limited to the period for which they worked. The respondents would examine the claim and release the same within the period of 4 months.
9. The Writ Petition stands **disposed of** in the aforesaid terms.
10. All the pending applications shall stand disposed of accordingly.

January 9, 2024
Ess Kay

[SANJEEV PRAKASH SHARMA]
JUDGE

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>