

CWP-10267-2017 (O&M) & connected cases 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(217)

CWP-10267-2017 (O&M)
Date of Decision : September 02, 2024

Vineet Kumar and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

(2)

CWP-11421-2017 (O&M)

Rupinder Kaur and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

(3)

CWP-19083-2017 (O&M)

Sarika Dhawan and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

(4)

CWP-22870-2016 (O&M)

Nachhtar Singh and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

(5)

CWP-23986-2016 (O&M)

Geetanjali and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CWP-10267-2017 (O&M) & connected cases 2

- (6)

CWP-11249-2023 (O&M)

Ami Chand Sharma and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents
- (7)

CWP-21561-2016 (O&M)

Rajandeep Kaur and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents
- (8)

CWP-10481-2023 (O&M)

Sukhjeet Kaur and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents
- (9)

CWP-10877-2023 (O&M)

Jagsir Singh and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents
- (10)

CWP-11050-2023 (O&M)

Ajinder Kaur and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

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(11)	CWP-11072-2023 (O&M)	
Praveen Kumar and others	..	Petitioners
	Versus	
State of Punjab and others	..	Respondents
(12)	CWP-11461-2023 (O&M)	
Tarlok Singh and others	..	Petitioners
	Versus	
State of Punjab and others	..	Respondents
(13)	CWP-12056-2023 (O&M)	
Laljit Singh and others	..	Petitioners
	Versus	
State of Punjab and others	..	Respondents
(14)	CWP-16555-2020 (O&M)	
Satwinder Kaur and others	..	Petitioners
	Versus	
State of Punjab and others	..	Respondents
(15)	CWP-2126-2020 (O&M)	
Rakesh Kumar and others	..	Petitioners
	Versus	
State of Punjab and others	..	Respondents

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(16)	CWP-21558-2017 (O&M)	
Lakhvir Singh and others	..	Petitioners
	Versus	
State of Punjab and others	..	Respondents
(17)	CWP-22034-2017 (O&M)	
Suman and others	..	Petitioners
	Versus	
State of Punjab and others	..	Respondents
(18)	CWP-22092-2016 (O&M)	
Kulwinder Singh and others	..	Petitioners
	Versus	
State of Punjab and others	..	Respondents
(19)	CWP-22642-2015 (O&M)	
Ramanpreet Kaur and others	..	Petitioners
	Versus	
State of Punjab and others	..	Respondents
(20)	CWP-22961-2016 (O&M)	
Ramanpreet Kaur and others	..	Petitioners
	Versus	
State of Punjab and others	..	Respondents

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(21)	CWP-24890-2019 (O&M)	
Dr. Mohinder Kaur		.. Petitioner
	Versus	
State of Punjab and others		.. Respondents
(22)	CWP-29086-2019 (O&M)	
Gurmeet Kaur		.. Petitioner
	Versus	
State of Punjab and others		.. Respondents
(23)	CWP-29977-2019 (O&M)	
Manpreet Kaur		.. Petitioner
	Versus	
State of Punjab and others		.. Respondents
(24)	CWP-32523-2019 (O&M)	
Yadwinder Singh and others		.. Petitioners
	Versus	
State of Punjab and others		.. Respondents
(25)	CWP-6691-2019 (O&M)	
Pritpal Singh and others		.. Petitioners
	Versus	
State of Punjab and others		.. Respondents

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(26)

CWP-12895-2023 (O&M)

Pushpinder Kaur and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

(218) (02 cases)

CWP-13755-2017 (O&M)

Gagandeep Kaur and others

.. Petitioners

Versus

Union of India and others

.. Respondents

(218-A)

CWP-30082-2017 (O&M)

Parwinder Singh and others

.. Petitioners

Versus

Union of India and others

.. Respondents

(233) (02 cases)

CWP-14645-2019 (O&M)

Deepak Sharma and others

.. Petitioners

Versus

Union of India and others

.. Respondents

(233-A)

CWP-6591-2019 (O&M)

Gurwinder Singh

.. Petitioner

Versus

Union of India and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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Present: Mr. Pawan Kumar Sharma, Advocate, and
 Mr. Dinesh Kumar, Advocate, for the petitioners
 in CWP-10267-2017 and CWP-16555-2020.

Mr. H.C. Arora, Advocate, for the petitioners
in CWP-11421-2017, CWP-22870-2016, CWP-11249-2023
CWP-21561-2016, CWP-11461-2023, CWP-2126-2020,
CWP-21558-2017, CWP-22034-2017, CWP-32523-2019 and
CWP-19083-2017.

Mr. Deepak Gupta, Advocate, for the applicants in
CM-9012-CWP-2013 in CWP-19083-2017.

Mr. Kanwaljit Singh Brar, Advocate, for the petitioners
in CWP-10481-2023

Mr. Navraj Singh Mahal, Advocate, for the petitioners
in CWP-11050-2023.

Mr. Ajaivir Singh, Advocate, for the petitioners
in CWP-22092-2016.

Mr. A.P.S. Sandhu, Advocate, for the petitioners
in CWP-24890, 29977 and 29086 of 2019.

Mr. Pawan Kumar Goklaney, Advocate and
Mr. Ashish Goklaney, Advocate, for the petitioners
in CWP-6691-2019 and CWP-12895-2023.

Mr. Pawan Kumar Mutneja, Sr. Advocate, with
Mr. Viranjeet Singh Mahal, Advocate, for the petitioners
in CWP-14645-2019, CWP-6591-2019, CWP-13755-2017 and
CWP-30082-2017.

Mr. Charan Preet Singh, Assistant Advocate General, Punjab.

Mr. Sudhir Nar, Advocate, for respondent No.1 in
CWP-13755-2017.

Mr. Tarun, Advocate, for
Mr. Ashok Kumar Khunger, Advocate, for respondent No.8
in CWP-11061-2017 and CWP-13755-2017.

Mr. Saurabh Savara, Advocate, with
Mr. Gaurav Vats, Advocate, for respondent No.2
in CWP-12895-2023.

Mr. R.P. Daaria, Advocate, for respondent No.7
in CWP-11061-2017.

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Ms. Dolli Sharma, Advocate, for
Mr. Sumiya Singh, Advocate, for respondents No. 2 and 3
in CWP-29977-2019, CWP-16555-2020 and
CWP-24890-2019.

Mr. Deepak Verma, Advocate, for respondents No. 6 and 7
in CWP-6691-2019 and
for respondents No. 4 and 6 in
CWP-16555-2020.

Mr. Gagandeep Singh, Advocate, for respondent No2
in CWP-21561-2016, CWP-6691-2019 and CWP-22642-2015
for respondents No. 2 and 3 in CWP-19083-2017,
CWP-11061-2017 and for respondents No. 2 and 4
in CWP-21558-2017.

Ms. Anu Chatrath, Sr. Advocate, with
Mr. Nikhil Singh, Advocate for respondent-PSEDB.

Mr. Anupam Singla, Advocate, for respondent No.2 in
CWP-10267-2017, CWP-23986-2016, CWP-11072-2023,
CWP-22092-2016 and
for respondents No. 2 and 3 in CWP-32523-2019 and
for respondent No.3 in CWP-13755-2017.

Mr. D.S. Nalwa, Advocate, for respondents No. 3 to 5
in CWP-11072-2023 and
for respondents No.4 and 5 in CWP-12895-2023 and
for respondent No.4 in CWP-11461-2023 and
for respondent No.4 in CWP-11249-2023.

Mr. A.S. Talwar, Advocate, for respondent No.14
in CWP-10267-2017.

Ms. Bhagyashree, Advocate, for
Mr. A.P.S. Madan, Advocate, for respondents No. 2 and 3
in CWP-29086-2019.

Mr. Aayush Arora, Advocate, for respondent No.3
in CWP-30082-2017.

Mr. Gagandeep Singh, Advocate, for respondents No. 3 and 5
in CWP-14645-2019.

Mr. Ankush Aggarwal, Advocate, for respondent No.3
in CWP-6591-2019.

Mr. H.S. Oberoi, Advocate for respondent-UOI
in CWP-14645-2019 and CWP-6591-2019.

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Mr. Arshdeep Bhullar, Advocate,
for respondents No. 2 and 3 in CWP-22870-2016.

HARSIMRAN SINGH SETHI J. (ORAL)**CM-12059-CWP-2021 in CWP-10267-2017**

Present application has been filed for impleading Rustomjee Kerawalla Foundation, Karewalla Chambers, 3rd Floor, Opposite Radio Club, 25 P.J Ramachandani Marg Mumbai-400001 through its Managing Director as respondent No.14.

Keeping in view the facts mentioned in the application, which are duly supported by an affidavit, the application is allowed. Rustomjee Kerawalla Foundation, Karewalla Chambers, 3rd Floor, Opposite Radio Club, 25 P.J Ramachandani Marg Mumbai-400001 through its Managing Director is impleaded as respondent No.14 in the present writ petition and the amended memo of parties is taken on record.

CM-9012-CWP-2023 in CWP-19083-2017

Present application has been filed for impleading the applicants namely Nischint and Arshdeep Kaur as respondents No. 8 and 9 in the present writ petition.

Keeping in view the facts mentioned in the application, which are duly supported by an affidavit, the application is allowed. Applicants Nischint and Arshdeep Kaur, the details of whom are given in para 6 of the application, are allowed to be impleaded in the present writ petition and the amended memo of parties attached with the present application is taken on record.

CM-15507-CWP-2022 in CWP-24890-2019

Present application has been filed for impleading Bhai Gurdas group of Institutes, Main Patiala Road, Sangrur, District Sangrur through its

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Chairman namely Dr. Guninderjit Singh Jawandha as respondent No.9.

Keeping in view the facts mentioned in the application, which are duly supported by an affidavit, the application is allowed. Bhai Gurdas group of Institutes, Main Patiala Road, Sangrur, District Sangrur through its Chairman namely Dr. Guninderjit Singh Jawandha is impleaded as respondent No.9 in the present writ petition and the amended memo of parties is taken on record.

CM-17438-CWP-2017 in CWP-21558-2017

Present application has been filed for impleading FCS Foundation, IT Park, New MDC, Sector-4, Phase-I, Mani Majra, Chandigarh-160101, through its Chairman as respondent No.7.

Keeping in view the facts mentioned in the application, which are duly supported by an affidavit, the application is allowed. FCS Foundation, IT Park, New MDC, Sector-4, Phase-I, Mani Majra, Chandigarh-160101, through its Chairman is impleaded as respondent No.7 in the present writ petition and the amended memo of parties is taken on record.

CM-13074-CWP-2020 in CWP-32523-2019

Present application has been filed for impleading Rustomjee Kerawalla Foundation, Karewalla Chambers, 3rd Floor, Opposite Radio Club, 25 P.J Ramachandani Marg Mumbai-400001 through its Managing Director as respondent No.6.

Keeping in view the facts mentioned in the application, which are duly supported by an affidavit, the application is allowed. Rustomjee Kerawalla Foundation, Karewalla Chambers, 3rd Floor, Opposite Radio Club, 25 P.J Ramachandani Marg Mumbai-400001 through its Managing

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Director is impleaded as respondent No.6 in the present writ petition and the amended memo of parties is taken on record.

CM-15427-CWP-2022 in CWP-22870-2016

Present application has been filed for impleading District Education Officer (Secondary), District Administrative Complex, Moga as respondent No.7.

Keeping in view the facts mentioned in the application, which are duly supported by an affidavit, the application is allowed. District Education Officer (Secondary), District Administrative Complex, Moga is impleaded as respondent No.7 in the present writ petition and the amended memo of parties is taken on record.

CM-3251-CWP-2020 in CWP-24890-2019

Present application has been filed for impleading Bhai Gurdas group of Institutes, Main Patiala Road, Sangrur, District Sangrur as respondent No.9.

Keeping in view the facts mentioned in the application, which are duly supported by an affidavit, the application is allowed. Bhai Gurdas group of Institutes, Main Patiala Road, Sangrur, District Sangrur is impleaded as respondent No.9. in the present writ petition and the amended memo of parties is taken on record.

CM-17634-CWP-2022 in CWP-29086-2019

Present application has been filed for impleading Bhai Gurdas group of Institutes, Main Patiala Road, Sangrur, District Sangrur through its Chairman namely Dr. Guninderjit Singh, Jawandha as respondent No.9.

Keeping in view the facts mentioned in the application, which are duly supported by an affidavit, the application is allowed. Bhai Gurdas

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group of Institutes, Main Patiala Road, Sangrur, District Sangrur through its Chairman namely Dr. Guninderjit Singh, Jawandha is impleaded as respondent No.9. in the present writ petition and the amended memo of parties is taken on record.

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1. By this common order, a bunch of 30 writ petitions, the details of which have been given in the heading, are being disposed of as all these petitions involve the same question of law on similar facts.

2. In the present bunch of petitions, the grievance being raised by the petitioners is that they are working in Adarsh School, which are being run in a public and private partnership mode but are not being given the salary, which are being paid to their counter part working in the Government institutions despite the fact that as per the Affiliation Rules, the employees working in these institutions are to be paid as per the norms of the affiliating authority.

3. Learned counsel for the petitioners further submits that during the pendency of the present petitions, the respondents have decided to form a Committee to examine the said issue. The reliance is being placed upon the order passed by the Coordinate Bench of this Court on 13.02.2023 wherein, a direction was given to the State to look into all the aspects with regard to the running of these schools which are being run in a public and private partnership mode.

4. Learned counsel for the respondents submits that the said consideration is already started by the Committee but same is yet to conclude. The modalities with respect to the taking over of these schools is

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also under consideration. With regard to the grant of salary as being claimed keeping in view the Rules of the affiliation authority, learned counsel for the respondents submits that the same is also under consideration of the authorities concerned and the final decision will be taken shortly.

5. Learned counsel for the petitioners submits that the petitioners are here before this Court for the last more than eight years and are suffering for the reason that they are not being paid the salary which they are entitled for keeping in view norms of the affiliating agency.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. Once, keeping in view the order passed by the Coordinate Bench of this Court dated 13.02.2023, State is considering various aspects with regard to the grant of salary to the petitioners as well as with regard to the taking over of these schools by the Government and for the said purpose, keeping in view the order passed by the Coordinate Bench dated 13.02.2023, a Committee has also been constituted to examine the issues and make suitable recommendations hence, the only order which needs to be passed at this stage is that State is under an obligation to expedite the said consideration so as to reach finality in a time bound manner.

8. Let the respondents decide the said issues, which are pending under their consideration within a period of four months of the receipt of copy of this order.

9. It may be noticed that the final decision be taken with regard to the salary of the employees who are working in the said institution as well as whether, these institutions are to be taken over by the State keeping in

view the financial aid already been granted by the State to these institutions.

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10. Keeping in view the final decision taken by the State, in case the petitioners are found entitled for any relief qua their salary part, the same will be extended to them within a further period of two months. In case, the State decides against the same so as to cause prejudice to the petitioners, the petitioners will be at liberty to avail appropriate remedy against the said order before appropriate forum keeping in view the fact that the present schools are working under the public and private partnership mode.

11. The present writ petitions are disposed of in above terms.

12. Civil miscellaneous application pending if any, also stands disposed of.

13. A photocopy of this order be placed on the file of other connected cases.

September 02, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No