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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-31046-2018 (O&M)
Date of Decision: 09.01.2024

Harmesh Lal and others

. . . . Petitioners

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Jaskirat Singh, proxy counsel for
Mr. Sunny Singla, Advocate for the petitioners.

Ms. Shivani Sharma, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Learned State counsel submits that no reply is required as in similar matters, the LPA as well as the SLP have been dismissed. The officer in-charge in the case is present.
2. Learned counsel for the State submits that an LPA was filed against the judgment passed in CWP-4629-2012, which was dismissed by the Division Bench. SLP was filed before the Supreme Court which too has been dismissed. In view thereof, learned counsel submits that the writ petition may be disposed of in terms of the judgment passed in CWP-4629-2012.
3. Learned counsel for the petitioners does not object if the writ petition is allowed in terms of the judgment passed in CWP-4629-2012.
4. This Court in a bunch of writ petitions with leading case of CWP-4629-2012, decided on 19.02.2018, 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. The facts of the present case are also similar to the above case, and in view thereof, this writ petition is disposed of in the aforesaid terms *mutatis mutandis*.
- 6. All interim orders stand vacated.
- 7. All pending applications also stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

January 09, 2024
Mohit goyal

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