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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(8 cases)

Date of Decision : 15-07-2024

1. CM-15864-CWP-2023 in/and
CWP-27049-2022 (O&M)

SUMAN SEHDEV @ SUMAN VERMA AND OTHERS
.....Petitioner(s)
VERSUS

STATE OF PUNJAB AND OTHERS
.....Respondent(s)

2. CWP-27469-2022 (O&M)

MANDEEP SINGH AND ORS.
.....Petitioner(s)
VERSUS

STATE OF PUNJAB AND OTHERS
.....Respondent(s)

3. CWP-27496-2022 (O&M)

AMANDEEP SINGH AND ORS.
.....Petitioner(s)
VERSUS

STATE OF PUNJAB AND OTHERS
.....Respondent(s)

4. CWP-27193-2022 (O&M)

SANDEEP KUMAR AND ORS.
.....Petitioner(s)
VERSUS

STATE OF PUNJAB AND OTHERS
.....Respondent(s)

5. CWP-29528-2022 (O&M)

SAHIL KUMAR AND ORS.
.....Petitioner(s)
VERSUS

STATE OF PUNJAB AND OTHERS
.....Respondent(s)

6. CWP-30029-2022 (O&M)

RAVI KUMAR AND ORS.
.....Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERSRespondent(s)

7. CWP-22345-2022 (O&M)

TAJINDER KUMAR AND ORS.Petitioner(s)
VERSUS

STATE OF PUNJAB AND OTHERSRespondent(s)

8. CWP-12791-2023 (O&M)

GURSEWAK SINGH AND ORS.Petitioner(s)
VERSUS

STATE OF PUNJAB AND OTHERSRespondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. B.S. Sudan, Advocate for
Dr. Puneet Kaur Sekhon, Advocate for the petitioners
in CWP Nos.27049, 27469, 27496, 27193 and 22345 of 2022.

Mr. Amrik Singh, Advocate for
the petitioners in CWP No.12791 of 2023 and
CWP No.30029 of 2022.

Mr. Ankush Sharma, Advocate
for Mr. M.K.Dogra, Advocate
for the petitioners in CWP No.29528 of 2022.

Mr. Amarpreet Singh Bains, AAG Punjab assisted by
Mr. Vijay Sharma, Assistant Director, Education Department.

HARSIMRAN SINGH SETHI, J. (Oral)

CM-15864-CWP-2023 in/and CWP-27049-2022 (O&M) and connected cases.

Present bunch of eight writ petitions involves common question of law in the background of common set of facts and thus they are being decided by a common order.

In the present bunch of petitions, the grievance being raised by the petitioners is that they are being granted additional charges of the post due to which they have to travel from one school to another but they are not being paid any travelling allowance and the said action on the part of the respondent in giving additional charge is causing prejudice.

Learned State counsel on the other hand submits that as there was shortage of the non-teaching staff, the additional charges are given to the existing staff and it is not that on every working day, they discharge the duties of the additional charge given to them but only once or twice in a week the employee concerned has to visit the school where the additional charge is given. Hence, the grievance being raised by the petitioners is liable to be rejected.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

It may be noticed that in case an employee is given additional charge at other school and the employee has to travel to the said school, the employee incurs travelling expenses from his/her pocket, which causes prejudice to the employees concerned hence, the said practice should be avoided. The employees only are paid their salaries, for performing specified duties at a particular school hence, spending the same on travelling from one school to another on giving additional charge, causes prejudice.

Let the respondent form a committee to streamline the functioning of the non-teaching posts, so that even if the employee is given additional charge, he/she does not have to travel to the place of additional charge beyond more than 5-8 kms and in case, the employee is required to

travel more, appropriate decision be taken as to how the said employee can be compensated.

Till any such decision is taken, as undertaken by the respondent, keeping in view the fact that the additional charge given to the petitioners, has already been stayed by the Co-ordinate Bench, same will not be implemented and it is only after the fresh decision is taken by the committee, appropriate orders will be passed in case any of the petitioners are required to discharge the duties of any other school as additional charge.

Let the committee decide and conclude the consideration of the issue within a period of three months from the date of receipt of certified copy of this order as to how the grant of the additional charge can be streamlined so as not to cause any prejudice to the employees concerned.

In view of the above, the present bunch of the petitions stand disposed of.

Ordered accordingly.

Pending application, if any, also stand disposed off.

Photocopy of this order be placed on the files of other connected cases.

15-07-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking : YES/NO
Whether reportable : YES/NO