



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

LPA No.863 of 2025 (O&M)

Date of Decision: 07.05.2025

Radhe Shyam and others

...Appellants

Versus

State of Haryana and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Rakesh Sobti, Advocate, for the appellants.

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SANJEEV PRAKASH SHARMA J.(Oral)

CM No.2166-LPA of 2025

For the reasons stated in this application, the same is allowed and the delay of 60 days in filing the accompanying appeal is, hereby, condoned.

LPA No.863 of 2025

The appellants have preferred this appeal assailing the order dated 17.12.2024 passed by the learned Single Judge in ***CWP No.33938 of 2024*** whereby the writ-petition filed by the petitioners-appellants has been dismissed.

2. Learned counsel for the appellants submits that the writ-petitioners, who were granted powers of Drawing and Disbursing of salary from the treasury which was a power available to the Principal/Headmaster, should also be given salary and emoluments of the post of Principal/Headmaster. He relies upon the judgment of this Court in "***Gurjant Singh & others vs. State of Haryana & Others***" in ***CWP No.26598 of 2015 decided***



on 12.03.2020 (Annexure P-4) and the order passed in **LPA No.1539 of 2010(O&M) decided on 15.11.2010** (Annexure P-3) titled as **“State of Punjab and others vs. Darshan Singh and another”**.

3. We have carefully considered the submissions. Merely by issuing the orders to exercise powers of drawing and disbursing of salary from the treasury to the other employees, does not mean that the charge of the post of Principal/Headmaster has been given to the writ-petitioners. The holding of a charge is not only limited to drawing and disbursing but also brings with it the responsibilities of the post and duties of the post of Principal/Headmaster. The writ-petitioners did not place the orders by which they were asked to exercise powers of drawing and disbursement before the learned Single Judge. However, in the appeal they have quoted the order passed which does not in any manner reflects that they have been appointed temporarily or having been given charge on officially basis of the post of Principal/Headmaster. The judgments which have been relied upon had different facts altogether where the charge of the Principal had been handed over and in view thereto, the Co-ordinate Bench as well as the Division Bench allowed the concerned person to get emoluments for the period during which he/she worked as on officiating basis Principal/Headmaster. The appeal is misconceived and the order passed by the learned Single Judge is upheld. The appeal in hand is, accordingly, dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

May 07, 2025
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No