

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).13110/2008

(From the judgement and order dated 18/12/2007 in CWP No.4081/2007 dated 29/02/2008 in CWP No.4081/2007,RA No.52/2008 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

MANG.COMM.S.S.D.GIRLS COLLEGE & ORS.

Petitioner(s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent(s)

(With appln(s) for PERMISSION TO FILE ADDL. DOCUMENTS,recalling the Court's order and with prayer for interim relief)
(for final disposal)

WITH

SLP(C) NO. 19927-19928 of 2008

(With appln.(s)for c/delay in filing SLP and office report)

(for final disposal)

SLP(C) NO. 16956 of 2008

(With appln.(s)for exemption from filing c/c of the impugned judgment and directions and with prayer for interim relief and office report)

(for final disposal)

SLP(C) NO. 18920-18921 of 2008

(With appln.(s) for c/delay in filing SLP and with prayer for interim relief and office report)

(for final disposal)

SLP(C) NO. 10873 of 2006

(With prayer for interim relief)

(for final disposal)

SLP(C) NO. 10878 of 2006

(With prayer for interim relief and office report)

(for final disposal)

SLP(C) NO. 10879 of 2006

(With prayer for interim relief and office report)

(for final disposal)

SLP(C) NO. 11498 of 2006

(With prayer for interim relief and office report)

(for final disposal)

CONMT.PET.(C) NO. 310 of 2009 in SLP(C)No.16956 of 2008

(for final disposal)

CONMT.PET.(C) NO. 81 of 2010 in SLP(C)No.16956 of 2008

(With office report)

(for final disposal)

SLP(C) NO. 8297 of 2012

(With office report)

SLP(C) NO. 10379-10380 of 2012

(With appln.(s) for vacating stay and office report)

SLP(C) NO. 690 of 2013

(With appln.(s) for c/delay in filing SLP and office report)

SLP(C) NO. 693 of 2013

(With appln.(s) for c/delay in filing SLP and office report)

SLP(C) NO. 695 of 2013

(With appln.(s) for c/delay in filing SLP and office report)

SLP(C) NO. 696 of 2013

(With appln.(s) for c/delay in filing SLP and office report)

SLP(C) NO. 9854 of 2013

(With appln.(s) for c/delay in filing SLP and office report)

Date: 26/11/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. GOKHALE
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr. Nidhesh Gupta, Sr. Adv.
Mr. Tarun Gupta, Adv.
Ms. Nidhi Gupta, Adv.
Ms. S. Janani, AOR.

Mr. P.S. Patwalia, Sr. Adv.
Mr. Ashok K. Mahajan, AOR

Mr. Vinay Garg, AOR

Mr. Jagjit Singh Chhabra, AOR

Mr. Dinesh Kumar Garg, AOR
Mr. Abhishek Garg, Adv.

For Respondent(s)

Mr. Sanjeev K. Bhardwaj, Adv.
Mr. Manoj Joshi, Adv.
Mr. Punit Jindal, Adv.
for Mr. Chander Shekhar Ashri, AOR.

Mr. Kuldip Singh, AOR
Mr. Mohit Mudgil, Adv.

Mr. Puneet Jindal, Adv.
Ms. Jaspreet Gogia, AOR
Mr. Brijendra Singh, Adv.

Mr. Puneet Jindal, Adv.
Ms. Kiran Diwan, Adv.
Mr. Sameer Sachdeva, Adv.
Mr. Dinesh Verma, Adv.
Dr. Kailash Chand, AOR
Mr. A.P. Mohanty, Adv.
Mr. Subhashish Bhowmick, Adv.

Mr. Puneet Jindal, adv.
Mr. Brijendra Singh, Adv.

Mr. Vanshdeep Dalmia, Adv.

Ms. Anita Singh Kalkal, Adv.
Mr. Sameer Sachdeva, Adv.
Ms. Aditi Gupta, Adv.
Mr. Rahul Chaudhary, Adv.

SLP(C)9854/13
Rlto5 Ms. Amita Singh Kalkal, Adv.
Ms. Aditi Gupta, Adv.
Mr. Rahul Chaudhary, Adv.

St. of Har. Mr. Manjit Singh, AAG.
Mr. Vikas Sharma, Adv.
Mr. Kamal Mohan Gupta, AOR

Mr. S.K. Sabharwal, AOR

Ms. Jyoti Mendiratta, AOR

Mr. A.P. Mohanty, AOR

Dr. Sukhdev Sharma, Adv.

Mrs. Sunita Kashik, Adv.

Mr. Debasis Misra, AOR

Mr. Chander Shekhar Ashri, AOR

Mr. Satyendra Kumar, AOR

Mr. Subhasish Bhowmick, AOR

Ms. Naresh Bakshi, AOR

UPON hearing counsel the Court made the following

O R D E R

1 Mr. Nidhesh Gupta, learned senior counsel, appears for the petitioners in the Special Leave Petitions filed by the Managing Committee of S.S.D.Girls College and others.

2 Mr. Patwalia, learned senior counsel, appears for the Managing Committee, A.S. Baba A.S.J.S. Memorial College.

3 There are some petitions, which are filed by the State of Punjab also. Mr. Kuldip Singh, AOR, appears for the State of Punjab.

4 All these petitions seek to challenge the orders passed by the Punjab & Haryana High Court in different writ petitions. The consequence of these orders have been that the College-Managements have been held liable to pay the gratuity and leave encashment, and the contributory provident fund to the college teachers (which include Librarians and teachers in-charge of physical institution).

As far as contributory provident fund is concerned, the State is held liable to reimburse 90% of that amount.

5 Mr. Gupta, learned senior counsel points out that there are many aspects in these matters arising out of various statutes of the universities and the ordinances, which were placed placed before the High Court but the judgment of the High Court does not reflect on any of these submissions.

6 We have heard learned counsel for all the parties and we are of the view that the submissions raised in these special leave petitions which were also raised in the replies to the writ petitions in the High Court, ought to have been gone into by the High Court. In the circumstances, we revive all those writ petitions decided by the High Court, mentioned hereinbelow. They will be heard and decided afresh by the High Court after considering the submissions of the College Managements, the State of Punjab, as well as the teachers on the merits of those submissions. The numbers of writ petitions is as under:

"CWP Nos. 4081, 6439 and 6395, all of 2007, CWP No.10315 of 2007, CWP No.23 of 2012, CWP No.16166 of 2011, No.792 of 2011,CWP No. 8774 of 2004, CWP No.76 of 2006, CWP No.12965 OF 2005, ,CWP No.18372 of 2004, CWP No.1105 of 2004 and CWP No.12550 of 2003".

7 We note that in these matters, there has been an interim order dated 2nd April, 2009, whereby the College Managements were required to make these payments and then seek reimbursements from the State Government. This arrangement will apply to all the teachers until the revived writ petitions are decided. We make it

clear that this arrangement will also be subject to the result of those writ petitions, which we expect the High Court to decide at the earliest.

8 In SLP(C) Nos. 10873, 10878, 10879 and 11498, all of 2006, Mr. Dinesh Kumar Garg, AOR appears for the petitioner-Managing Committee, S.K.R.M. College. In these matters there will be same order as above. However, as far as the direction of the High Court to pay the arrears of salary is concerned, that will be honoured by the College.

9 These Special Leave Petitions are dismissed as withdrawn.

10 In view of the disposal of the Special Leave Petitions, the contempt petitions also stand disposed of.

[Sheetal Dhingra]
A.R-cum-P.S.

[Sneh Lata Sharma]
Court Master

*[N.B: Lists of writ petitions Nos. provided by various counsel is attached herewith along with the appearances]

ITEM NO.7(2)

COURT NO.10

SECTION IVB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).18059/2013

(From the judgement and order dated 01/03/2013 in CWP No.8663/2012,LPA No.448/2013 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

MNG.COMMITTEE VAISH TECHNICAL INST.&ANR.

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(With prayer for interim relief and office report)

WITH

SLP(C)No.18317 of 2013

(With prayer for interim relief and office report)

Date: 26/11/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. GOKHALE

HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr Brijender Chahar, Sr. Adv.
Mrs. Jyoti Chahar, Adv.
Mr. Aditya Gupta, Adv.
Mr. Vinay Garg,AOR.

For Respondent(s) Mr. Chander Shekhar Ashri,AOR.
Mr. Kamal Mohan Gupta ,AOR

UPON hearing counsel the Court made the following
O R D E R

SLP(C)Nos.18059 and 18317 of 2013

Mr. Chahar, learned senior counsel appears for the petitioner(s) in these petitions. The learned counsel states that

the petitioner(s) may be permitted to file additional documents, including the reply, which was filed by the petitioner in the High Court. It is his submission that petitioner(s) had raised the contention that the pension includes leave encashment, is a part of salary and it is reimbursable by the State Government. Additional documents may be filed within four weeks. The petitioner may file all the pleadings, including the reply which was filed in the High Court.

[Sheetal Dhingra]
A.R-cum-P.S.

[Sneh Lata Sharma]
Court Master