

**Speaking order**

(Grant-1 Branch)

Order No. 17/75-2020 Grant-1(5)

Dated : 24.03.2021

Whereas, in CWP No. 21716 of 2020, filed by Geeta Sethi, retired Assistant Professor, SD College for Women Kapurthala, the Hon'ble Punjab and Haryana High Court, vide order dated 23.02.2021, was pleased to pass the following order:-

"Present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ for directing the respondents to release all retiral dues of the petitioner including leave encashment, gratuity and career advancement benefits.

It transpires that despite issuance of notice of motion, none had appeared on behalf of respondents No.3 & 4, i.e. President, Managing Committee, SD College for Women, Kapurthala & Principal, SD College for Women Kapurthala, District Kapurthala, respectively; consequently, proceeded ex parte on 05.02.2021. Even learned State counsel is not able to show the Court as to whether any action was taken against the contesting respondents for release of benefits except giving telephonic information to them.

Since petitioner, being a female of more than 60 years age, is suffering on account of ailment as well as due to non-release of retiral benefits; therefore, this Court deem it appropriate to direct respondent No. 2, i.e. Director, Public Instructions (Collges), Punjab to take remedial measures in the matter, including stoppage of grants of respondent No. 4 if there is no legal impediment.

Posted on 16.03.2021.

It is clarified that in case, there is failure on the part of respondent No. 2, the same shall be construed as disobedience of the order of this Court."

Whereas in compliance of the above order dated 23.02.2021, the concerned college Principal Smt Vandana Shukla and counsel for the petitioner were called in this Directorate office on 01.03.2021, to take remedial measure and it was discussed with them, that as per statutory law under The Punjab Privately Managed Aided Colleges (Non-payment of Grant-in aid on Account of Terminal Benefits) Act, 2016 the government is not liable to pay any grant in aid qua leave encashment and gratuity, therefore, the principal agreed to make payment on these two accounts as per their liability. However, it was also discussed that the stoppage of grant would actually result in stoppage of salary of other working bona-fide staff, therefore, the principal gave her commitment to make the payment to the petitioner. Further, regarding issue of career advancement benefits the principal assured that, if such claim is sustainable then it would refer a proper/formal case to the department for fixation of the pay of the petitioner. Accordingly on 16.03.2021 the Hon'ble Court had passed the following order:

"Learned counsel for the petitioner has submitted that a meeting was conducted in the office of the DPI Colleges on 01.03.2021 and it has been stated in the minutes of meeting that the college had undertaken to pay the retiral benefits to the petitioner by the next date of hearing, i.e. today.

Learned counsel for the petitioner further submitted that he seeks weeks' time to seek instructions as to whether the said amount has been paid or not

On his request, adjourned to 23.03.2021".

Whereas, the principal failed to comply with the above said direction/commitment and thus on 23.03.2021 the Hon'ble Court had to take serious note of it.

That since the above said remedial measure i.e the commitment given by the principal is not fulfilled by the principal, therefore Smt. Vandana Shukla, Principal, SD College for Women Sultanpur Lodhi, Kapurthala is hereby placed under suspension with immediate effect and the President of the College Managing Committee is asked to give temporary charge of the post of principal to other senior most Associate Professor as a time being stop gap arrangement.

Further, taking inclusive measure of stoppage of grant, a specific notice, under clause 14 of the grant-in-aid policy, is hereby issued to the respondent no. 4 i.e. SD College for Women Sultanpur Lodhi, Kapurthala to immediately release all the due retiral benefits to petitioner namely Geeta Sethi, retired Assistant Professor, otherwise, its henceforth future grant would be stopped.

Above order be complied without any fail.

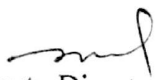
Paramjit Singh, PCS  
Director Public Instructions (Colleges) Punjab,  
S.A.S. Nagar

Endorsement No. Even/490-23

Date: 24.03.2021

A copy of the above order is forwarded for information and further necessary action:-

1. The Secretary to Govt. of Punjab, Department of Higher Education (Edu.-1 Branch), Punjab Civil Secretariate-2, Sector-9, Chandigarh for information please.
2. Registrar, Guru Nanak Dev University, Amritsar.
3. President, Managing Committee SD College for Women Sultanpur Lodhi, Kapurthala.
4. Principal, SD College for Women Sultanpur Lodhi, Kapurthala.

  
Deputy Director (Grants)

Internal distribution

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