

The State of Punjab and Others Vs. Ranjit Singh Grewal and Others

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Court : Punjab and Haryana

Decided On : Dec-10-2012

Appellant : The State of Punjab and Others

Respondent : Ranjit Singh Grewal and Others

Judgement :

Rs.No.633 of 1989 -1- IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH Rs.No.633 of 1989 Date of Decision: December 10, 2012 The State of Punjab and others ...Appellants Versus Ranjit Singh Grewal and others Respondents CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL Present: Mr.Aman Bahri, Addl.

A.G., Punjab, for the appellants.SATISH KUMAR MITTAL, J.

The State of Punjab and others have filed this Regular Second Appeal challenging the judgment and decree passed by both the Courts below.

This appeal was filed in the year 1989 and was admitted without stay.

In this case, the plaintiffs (respondents No.1 to 9 herein) were working as Lecturers/Librarians in erstwhile Guru Gobind Singh Republic College, Jandiala (Jalandhar).which was a government aided private College.

On 20.5.1983,the said College was taken over by the State of Punjab (appellant No.1 herein).As per the settlement/agreement, the Lecturers/Staff working therein

was also taken over by the State Government.

From the year 1980-81 to 19.5.1983 the salaries to the plaintiffs were not paid.

Undisputedly, the appellants were to pay 95% of Rs.No.633 of 1989 -2- the amount of salaries to the extent of Rs.1,11,000/- for the said period to the plaintiffs.

When the salaries for the said period were not paid, the plaintiffs filed a suit for mandatory injunction directing the appellants to release the arrears of pay to them.

Before the trial Court, the appellants admitted their liability to pay 95% of the amount of salaries for the due period.

It has also been admitted that as per the agreement between the Government and the Managing Committee, the appellant-Government was to disburse 95% aid amount of the said period.

The said amount was disbursed to one Parkash Singh Hundal, who at one point of time was the Principal of the College, but undisputedly, said Parkash Singh Hundal did not remit the said amount to the plaintiffs and misappropriated the same.

Since the appellants had admitted their liability to pay the said amount to the plaintiffs, the trial Court decreed the suit directing the defendants (appellants herein) to release 95% grant-in-aid to the plaintiffs within a period of three months.

The Appellate Court though dismissed the appeal filed by the appellants, yet slightly modified the decree while coming to the conclusion that 95% grant-in-aid could not have been directed to be paid to the plaintiffs directly and the same should have been paid to them through the Managing Committee of the College.

Hence the decree of the trial Court was modified directing the appellants to release 95% grant-in-aid in respect of arrears of pay and allowances to the plaintiffs prior to 20.5.1983 in favour of the proper authority competent to make payment to the plaintiffs within a period of three months.

The Appellate Court rejected the contention of the appellants that they had released the 95% grant-in-aid to Rs.No.633 of 1989 -3- Parkash Singh Hundal for making its payment to the members of the staff of the College for the period in question while observing that the said amount was not released to a proper person/authority, which was the Managing Committee of the College.

The learned counsel for the appellants could not point out any substantial question of law which is involved in the present appeal.

The decision of both the Courts below is based upon the admitted facts between the parties.

Only it has been argued that the D.P.I.(Colleges) (appellant No.3 herein) had disbursed the said amount to Parkash Singh Hundal, who was the Drawing and Disbursing Officer, therefore, the appellants are not liable to pay the said amount though the same was misappropriated by that person.

This contention was not accepted by the Courts below because the appellants had admitted their liability that the plaintiffs-respondent No.1 to 9 were entitled to receive their salaries for the period prior to taking over of the College to the extent of 95% from the State and the said amount was found to have been given to a person who had misappropriated the same and not remitted it to the plaintiffs.

In view of the aforesaid finding of fact, learned counsel for the appellants states that in case the decree is to be upheld, then at least the appellants should be given a right to recover the amount which was allegedly paid to Parkash Singh Hundal, who had misappropriated the same.

To that extent, the prayer made by the learned counsel seems to be reasonable.

Since the judgment and decree passed by both the Courts below is based upon admitted facts, in my opinion, the same does not require any interference.

Rs.No.633 of 1989 -4- Hence, the appeal is dismissed.

However, it will be open for the appellants to recover the aforesaid amount from Parkash Singh Hundal in accordance with law, which was misappropriated by him

and was not remitted to the plaintiffs.

December 10, 2012 (SATISH KUMAR MITTAL) vkg JUDGE

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