

SUPREME COURT OF INDIA

State of Punjab

Vs.

Harbans Singh Gill

C.A.No.3917 of 1998

(V. N. Khare and S. N. Phukan, JJ.)

27.04.2000

ORDER

1. Respondents herein were teachers in private schools. Subsequently, those private Higher Secondary Schools were takenover by the Punjab Government. Thereafter, it became the liability of the State Government to pay salary to the teachers employed in such institutions. Subsequently, the respondents retired from service. Since they had put in less than 10 years' of service the appellants declined to give pensionary benefits to them. Under such circumstances, they filed a petition under Article 226 of the Constitution before the Punjab and Haryana High Court. The High Court without giving any opportunity to the appellants to file any written statement allowed the writ petition in the light of a decision rendered by a co-ordinate bench of that Court in the case of Dev Dutt Kaushal v. State of Punjab and directed the appellants to pay pension to the respondents. It is in this way the appellants are in appeal before us.

2. Learned counsel brought to our notice that the decision relied upon by the High Court has been set aside by this Court in the case of State of Punjab v. Dev Dutt Kaushal, 1995 Supp (4) SCC 748. We have perused the judgment and find that the decision relied upon by the High Court in allowing the writ petition of the respondents has been reversed by this Court. Under such circumstances, the appeals deserve to be allowed. The judgment under appeal, therefore, is set aside. The appeals are

allowed. No costs.

3. Before we part with the case, we make a mention that if the State of Punjab frames any scheme with respect to the retired teachers of the schools, this judgment would not come in their way.

Appeal allowed.