
(2019) 09 P&H CK 0243

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 12407, 11464 Of 2019

Harpreet Kaur

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 11-09-2019

Acts Referred:

Citation : (2019) 09 P&H CK 0243

Hon'ble Judges : B.S. Walia, J

Bench : Single Bench

Advocate : Ravinder Singh Rawal, Pankaj Gupta, O.P. Dabla, Arun Kaundal, Aminder Singh, Ajaivir Singh

Final Decision : Disposed Of

Judgement

B.S. Walia, J

1. This order shall decide CWP No.12407 of 2019 and 11464 of 2019 as common point is in issue in both cases. Petitioner in CWP No.12407 of 2019 is a student of 6th Semester of five years B.A.LL.B course while petitioner in CWP No.11464 of 2019 is a student of 6th Semester of three years LL.B course. For brevity, the facts of the case are being taken from CWP No.12407 of 2019.

2. The petitioners invoked the jurisdiction of this Court praying for issuance of directions to the respondents to issue Roll Numbers for the semester examination of respective courses commencing May, 2019 as also to direct respondent Nos.1 and 2 to transfer the scholarship amount in the account of either the petitioner or respondent No.3 as per Post Matric Scholarship Scheme for Other Backward Classes in order to enable dues of respondent No.3 to be cleared so that the petitioners could complete studies without any hindrance.

3. Learned counsel for respondent No.3 while accepting notice made a statement that respondent No. 3 had no objection to the issuance of roll number to the petitioners to enable them to provisionally appear in the Semester examinations subject to directions being issued to respondent Nos.1, 2 and 4 to release the

scholarship amount to the petitioners to which they were entitled as per Policy Annexure P-5 to enable them to make payment of fees due to respondent No.3-College.

4. While ordering issuance of roll number to the petitioners to enable them to appear in the examination, respondent Nos.1, 2 and 4 were directed to take steps to expedite payment of scholarship to the petitioners as per policy.

5. Reply filed on behalf of respondent No.1 as well as respondent No.5 is taken on record.

6. Learned Senior Panel Counsel for respondent No.1 stated that as against notional allocation of Rs. 1923 lacs for the year 2015-16, Rs. 1920 lacs for the year 2016-17 and Rs. 1920 lacs for the year 2017-18, a sum of Rs. 2003.01 lacs, Rs. 2092.10 lacs and Rs. 1449 lacs respectively had been released by respondent No.1 to the State of Punjab under the PMS-OBC Scheme but despite request Annexure R-1/4 dated 10.01.2019 and 12.03.2019, utilization certificate for Rs.3532.10 lakhs was still pending with the Government of Punjab, besides grant under the PMS-OBC Scheme for the year 2018-19 could not be released to the Govt. of Punjab due to incomplete proposal as well as non-submission of pending Utilization Certificate as per scheme guidelines and GFR Provisions qua amount of Rs.3532.10 lakh.

7. Learned Senior Panel Counsel states that the amount payable to the Govt. of Punjab under the PMS-OBC Scheme for the year 2018-19 would be released by respondent No.1 on submission of proposal complete in all respects thereto besides compliance with the request as made vide Annexure R-1/4 dated 10.01.2019 and 12.03.2019.

8. Learned DAG, Punjab, on instructions from respondent No. 4 states that proposal complete in all respects for release of grant for the year 2018- 19 under the PMS-OBC Scheme would be submitted by the competent authority to respondent No.1 within three months from today besides audit objections qua amount of Rs.3532.10 lakh received by the State Government for the year 2016-17 and 2017-18 would also be finalized within three months from today where after, the amount as per entitlement would be disbursed to the beneficiaries within a period of 15 days thereafter.

9. Learned Senior Panel Counsel for respondent No. 1 states that on receipt of proposal complete in all respects, steps would be taken by respondent No. 1 for release of grant for the year 2018-19 to the State Government as per Policy.

10. In the light of the position noted above, the writ petition is disposed of by directing respondent No. 5 to declare the result of the petitioners while respondent No. 2 & 4 are directed to take steps to finalise audit objections for the year 2016-2017 & 2017-18 within three months from today and thereafter release the amount due to the beneficiaries as per entitlement within 15 days thereafter. Respondent Nos. 2 & 4 shall also submit a proposal complete in all

respects to respondent No. 1 within three months from today for release of grant under the PMS-OBC Scheme for the year 2018-19 and on receipt of the same, respondent No. 1 would take steps to release grant as per Policy to the State Government expeditiously. On receipt of funds from respondent No. 1 for the year 2018-19, respondent No. 2 & 4 would take steps to disburse the same as per entitlement to the beneficiaries expeditiously on completion of formalities.