
(2011) 07 SHI CK 0144
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 16643 of 2008

Suman Sachar and Others

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 29-07-2011

Acts Referred:

Citation : (2011) 07 SHI CK 0144

Hon'ble Judges : Kurian Joseph, C.J;V.K. Sharma, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The writ petition is filed with the following prayers:

(i) That the Respondents be directed to release the 5% share of the salary of the applicants for the period from October 2002 to December 2002 immediately @ 12% interest from October 2002 till the same is paid.

(ii) That the Respondents be directed to release the salary of the applicants for the period from January 2003 till date immediately @ 12% interest from January 2003 till the same is paid.

2. In the reply filed by Respondent No. 3, at para 3, it is stated as follows:

Para 3 of the OA. Admitted to the extent that G.G.D. S.D. College, Baijnath is receiving 95% grant-in-aid 2 from the Govt. The overall administrative control of the College previously was with the Managing Committee of the College constituted for the purpose which used to arrange 5% of the net expenditure from other sources i.e. from the parents of the students along with the fee. Therefore, replying Respondent No. 3 is left with No. resources/funds at his disposal to meet the deficit being 5% of the total net approved expenditure since the Administrator, Respondent No. 5 immediately on his appointment as such, suo motu took a decision to withdraw the arrangement of contribution so made towards 5%. In this connection Annexure A-2 annexed with the O.A. refers in which the position stands elucidated in detail. But at present that Managing

Committee stands superseded by the order of the Govt. and thereafter the administrative control of the College vests with the Administrator, having been appointed by the Govt. to look after the administrative affairs of the College. A copy of notification dated 4.10.2002 is annexed hereto for kind perusal. Therefore, for want of necessary funds, the Principal replying Respondent No. 3, is seriously handicapped to make payment of 5% of the salary of the applicants for the period October 2002 to December 2002 for the time being. It is further respectfully submitted that the State Govt. Respondent No. 1 has not yet released the 95% Grant-in-aid and, therefore, salary of the applicants from January 2003 onward could not be paid. As soon as 95% Grant-in-aid is received from the Govt. i.e. Respondent No. 1, the applicants would be paid their salary accordingly. Therefore, the allegations of violation of the principle of natural justice vis-a-vis allegations of arbitrariness and malafide are more in the domain of imagination than that on facts which allegations are denied emphatically and categorically to be admitted as correct.

3. In view of the development, as above, in case the Petitioners have still any grievance, it will be open for them to approach the first Respondent or work out the same in the appropriate proceedings.

4. The writ petition is disposed of, so also the pending applications, if any.