

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-58-2014

DATE OF DECISION:04.11.2016

Sumit Kumar and Ors.

... Petitioners

V.

State of Haryana and Ors.

.. Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. S.K. Yadav, Advocate
for the petitioners.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. R.S. Cheema, ADvocate
for the respondents No.2 to 5.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners who are holding non-teaching posts in DAV College of Engineering and Technology, Kanina, District Mahendergarh are seeking directions to the respondents to pay them senior scale and other benefits in terms of the recommendations of Sixth Pay Commission.

Learned counsel for the respondents submits that the petitioner instead of approaching this Court should avail the alternative remedy of redressal by the Educational Tribunal, which has been constituted to determine all service disputes between the employees and Management. In support of his submission, he has placed reliance on the judgment in the case of **Management of S.D. Model Senior Secondry School and another v. District Judge-cum- Service Tribunal and another** reported as **2014 (1) SCT 652**.

It is manifest from perusal of the judgment in the case of **Management of S. D. Model Senior Secondry School and another v.**

District Judge-cum- Service Tribunal and another (supra) that all service disputes arising out of an order passed by the Management, are appealable to the Educational Tribunal and only the cases which pertain to the payment of gratuity shall not be within the jurisdiction of the Educational Tribunal. The Haryana Government has constituted the Educational Tribunal vide notification dated 02.03.2015.

Therefore, the petition is disposed of by relegating the petitioner to the alternative remedy of approaching the Educational Tribunal by preferring an appeal. The Tribunal is directed to decide the appeal preferred by the petitioner expeditiously, in any case not later than six months from the date of its filing. The respondents shall not raise the ground of delay to defeat the claim of the petitioner.

The petition stands disposed of accordingly.

November 04, 2016

**(ANUPINDER SINGH GREWAL)
JUDGE**

SwarnjitS

Note:

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No