

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

**CWP No. 3458 of 2016
Date of Decision: 30.01.2017**

Raman Kumar

...Petitioner

Versus

State of Punjab & Others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S. P. Soi, Advocate
for the petitioner.

Mr. B. M. Vinayak, DAG, Punjab
for respondent Nos. 1 and 2.

Mr. Surajpreet Singh Kang, Advocate
for respondent No. 3.

Mr. Ashe Kumar Goyal, Advocate
for respondent No. 4.

Mr. Sameer Sachdeva, Advocate
for respondent Nos. 5 and 6.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of Mandamus directing the respondent Nos. 5 and 6 to pay the arrears of salary, arrears of less paid salary and arrears of less paid increments and to allow the petitioner to join his duties.

Learned counsel appearing on behalf of respondent Nos. 5 and 6 submits that the petitioner instead of approaching this court, should have availed of his remedy available to him by approaching the Educational Tribunal, which has been set up. The Educational Tribunal has been

constituted to determine all service disputes arising between the employees and the Management, other than those matter pertaining to gratuity. In this regard, reliance has been placed upon a judgment rendered by a Division Bench of this court in '*Management of SD Model Senior Secondary School and another vs District Judge-cumService Tribunal and another*', 2014(1) SCT 652.

I have perused the judgment rendered in the case of '*Management of SD Model Senior Secondary School and another vs District Judge-cum-Service Tribunal and another*' (*supra*) wherein, it has been held that all service disputes arising out of any order passed by the Management, an appeal to the Educational Tribunal is maintainable. The Punjab Government has already constituted an Educational Tribunal, which is functional.

Therefore, this petition is disposed of by relegating the petitioner to file appeal before the Educational Tribunal. In case, the petitioner herein files an appeal within a period of two weeks of receipt certified copy of this order, the Tribunal is directed to decide the same expeditiously. However, the respondents herein shall not raise the objection of delay, to defeat the claim of the petitioner.

January 30, 2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No