

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

**CWP No. 9512 of 2013
Date of Decision: 07.02.2017**

Malkiat Singh

...Petitioner

Versus

**Shiromani Gurudwara Parbandhak
Committee & Ors.**

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. J. S. Rattu, Advocate
for the petitioner.

None for respondent No. 1.

Mr. Mrigank Sharma, Advocate
for respondent Nos. 2 and 3.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been preferred under Article 226/227 of the Constitution of India seeking a writ in the nature of Certiorari for quashing the impugned order dated 04.04.2013 (***Annexure P-6***), by which the petitioner has been dismissed from service.

Learned counsel for the petitioner, inter-alia, contends that the petitioner was working as a Peon with respondent Nos. 2 and 3 and without issuing any show cause notice or following the rules of natural justice, his services came to be terminated.

Counsel for respondent Nos. 2 and 3 has raised a preliminary objection regarding the maintainability of this writ petition in view of the fact that an Educational Tribunal has been set up. It is submitted that the Educational Tribunal has been set up to determine all service disputes

arising between the employees and the Management, other than those matters 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 writ petition is disposed of by relegating the petitioner to file appeal before the Educational Tribunal. In case, the petitioner files the appeal before the Tribunal within a period of one month along with certified copy of this order, the respondents herein shall not raise the objection of delay, to defeat the claim of the petitioner.

Writ petition stands disposed of accordingly.

February 07, 2017

Ansari

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No