

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

**RSA No. 4225 of 2013
DECIDED ON: July 24, 2017**

ALKA SINGH

.....APPELLANT

VERSUS

**DAV MODEL SENIOR SECONDARY
SCHOOL AND ANOTHER**

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. S.S. Sodhi, Advocate,
for the appellant.

Mr. Amit Bhanot, Advocate,
for the respondents.

JASPAL SINGH, J.

Dissatisfied with the judgment and decree dated 19.07.2013 passed by Id. Lower Appellate Court, Ropar whereby the statutory appeal preferred by the appellant-plaintiff for setting aside the judgment and decree dated 25.04.2012 passed by Id. Trial court has been dismissed by confirming the same vide which suit for declaration filed by the appellant-plaintiff to the effect that *“she is working as Teacher in the defendant school since 1999 and was having good reputation in the eyes of parents of students without any complaint. She came to know about memo dated 22.09.2005 regarding complaint against her and vide notice dated 28.09.2005, her services were terminated without any*

reasonable cause. Plaintiff was not given any show cause notice as well as opportunity of being heard before terminating her services. Even no inquiry was conducted by the defendants regarding allegations levelled in the complaint made against plaintiff. Plaintiff was getting salary at the rate of Rs.2400/- per month from the defendants and her CPF was being deducted from the salary. Her CPF account No. is PB-2638/132. The management of the school forced the plaintiff to seek sorry on some blank papers. The plaintiff has been awarded major punishment on account of alleged allegations made in the complaint without affording any opportunity to defend herself. Plaintiff requested the defendants many times to reinstate her and to withdraw the termination letter but they refused”, was dismissed, the appellant-plaintiff has preferred the instant regular second appeal.

2. At the very outset of the arguments, it has emerged that Educational Tribunal is already functioning, constituted under the Punjab Privately Managed Recognized Schools Employees (Security of Service) Act, 1979 (for short, “Act of 1979” only). The Educational Tribunal has the powers to deal with the matter in controversy involved in the instant regular second appeal.

3. At this juncture, learned counsel for the appellant seeks permission to withdraw the instant appeal with liberty to have recourse to the remedies available under the aforesaid Act of 1979 or to approach any other authority having competent jurisdiction to entertain the matter in controversy.

4. In view of the submission made by learned counsel for the appellant, instant appeal is dismissed as withdrawn with liberty to approach the Educational Tribunal or any other authority competent to decide the matter in

controversy. However, as far as delay in approaching the Tribunal or any other authority is concerned, the same would stands condoned, which has occurred by filing of the civil suit and regular second appeal.

July 24, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes***

Whether reportable ***Yes/No***