

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

**CWP No. 22740 OF 2014
DECIDED ON: FEBRUARY 12, 2018**

DR. RAJESH KUMAR MAHAJAN **.....PETITIONER..**

VERSUS

STATE OF PUNJAB AND OTHERS **.....RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Aman Chaudhary, Advocate
for the petitioner.

Mr. TPS Chawla, Additional Advocate General, Punjab.

Mr. Nitin Verma, Advocate for
Mr. Sameer Sachdeva, Advocate,
for respondents No. 3 and 4.

Mr. Sanjay Tangri, Advocate,
for respondent No.5.

JASPAL SINGH, J.

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of certiorari quashing order dated 20.08.2014 (P-18) vide which, claim of the petitioner with regard to gratuity, arrears of revision of pay w.e.f. 01.01.2006 to 31.07.2009, arrears of HRA and Medical Allowance for the period of 01.01.1996 to 28.02.1998 and payment of difference of provident fund contribution due to calculation of P.F. on the basic pay plus DA w.e.f. October 1995 i.e. date of joining has illegally been rejected by respondent No.4. AS

WELL AS for issuance of writ in the nature of mandamus directing respondents No. 3 and 4 to release the gratuity, arrears of revision of pay scale w.e.f 01.01.2006 to 31.07.2009, arrears of HRA and medical allowance for the period of 01.01.1996 to 28.02.1998 and difference of provident fund contribution due to calculating PF on basis pay plus D.A. w.e.f. October, 1995 i.e. date of joining along with interest.

2. Learned counsel for respondents No.3 and 4 submits that since the matters relating to educational department are concededly dealt with by Educational Tribunal/courts notified by the State Government vide its notifications dated 07.05.2013 and 03.08.2008, therefore, the matter be referred to the Educational Tribunal, Punjab.

3. Learned counsel for the petitioner does not dispute the same.

4. In view of the aforesaid agreed stand, the instant petition is ordered to be transferred and placed before the Educational Tribunal, Punjab.

5. Registry is directed to do the needful.

6. Parties through their counsel are directed to appear before the Education Tribunal, Punjab on 05.04.2018 for further proceedings.

FEBRUARY 12, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes***

Whether reportable ***Yes/No***