

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.6500 of 2014
Date of decision : 16.07.2018

Shiv Kumar and others

...Petitioners

versus

Haryana Engineering College and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: .Mr. Manjit Singh Reen, Advocate, for the petitioners.

Mr.V.K.Sachdeva, Advocate, for respondents No.1 and 2.

Mr.Nidhi Garg, AAG, Haryana.

RITU BAHRI J. (Oral)

Petitioners are seeking direction to the respondents to grant the petitioner who are working as Non-Teaching Staff in different cadre in respondent No.1, pay scales as have been prescribed by the Government of Haryana and AICTE in respect of Non-Teaching Staff working in Affiliated Colleges in the State of Haryana and fix their salaries in accordance with the provisions of Haryana Affiliated Colleges (Security of Service) Act, 1979 and Haryana Affiliated Colleges (Security of Services) Rules of 1993.

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 Secondary 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 Secondary 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.

Accordingly, the Registry of this Court is directed to sent this petition to the Education Tribunal, Yamuna Nagar. The Education Tribunal, Yanuna Nagar, shall examine and decide the matter in accordance with law. Parties are directed to appear before the Education Tribunal.

Disposed of accordingly.

16.07.2018
Anil

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>