

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 17061 of 2016
Date of Decision : 29.05.2019

Sakla Nand Pokhriyal

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. P.K. Goklaney, Advocate for the petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Ms. Shaifali Goyal, Advocate for
Mr. Varun Issar, Advocate for respondent No. 4.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the grievance which is being raised by the petitioner is for non-release of the pensionary benefits such as leave encashment and gratuity.

The claim of the petitioner is against respondent No. 4.-the Management of a Privately Managed Aided School.

Learned counsel for respondent No. 4 states that present writ petition is not maintainable as jurisdiction under Clause 7-A(12) of the Punjab Affiliated Colleges (Security of Service of Employees) Act, 1974 is with the Educational Tribunal as all the disputes between the employees and the Management are to be decided by the Educational Tribunal at the first instance.

This Court has already given a finding while deciding CWP

No. 25942 of 2012, titled ***Suresh Sharma Vs. State of Punjab and others***, decided on 11.04.2019, that in respect of the claim of an employee against the Management of a Private Aided Institution, the jurisdiction at the first instance is with the Educational Tribunal in view of the provisions of Clause 7-A(12) of the Punjab Affiliated Colleges (Security of Service of Employees) Act, 1974. The said order has already been upheld as the LPA No. 892 of 2019 filed against the said order has already been dismissed on 09.05.2019. Hence, present writ petition is not maintainable before this Court at the first instance.

As counsel for the petitioner states that the present writ petition is pending since 2016 and reply on behalf of respondents No. 1 to 3 has already been filed, it will be appropriate in case record of this case is sent to the Educational Tribunal for passing appropriate orders. Counsel for the respondents have no objection for the said prayer.

Let record of the present writ petition be sent to the Educational Tribunal for passing appropriate orders.

Parties are directed to appear before the Educational Tribunal on 01.08.2019.

The present writ petition stands disposed of in above terms.

May 29, 2019
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? *Yes*
Whether reportable? *No*