

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

CWP-24429 of 2013

Date of decision: 26.08.2019

Ashwani Kumar

.... Petitioner

versus

State of Haryana and others

.... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Alka Chatrath, Advocate with
Mr. Manwatan Pal Singh, Advocate
for the petitioner.

Mr. C.S. Bakhshi, Addl.AG, Haryana.

Mr. K.L. Arora, Advocate
for respondent No.4

HARSIMRAN SINGH SETHI, J.

In the present writ petition, the prayer of petitioner is that action be taken against respondent No.4 for getting appointment/promotion by misrepresentation. It is not disputed that respondent No.4 is an employee of respondent No.3 i.e. Chotu Ram Kisan Shiksha Samiti, Jind (for short, 'College') and the petitioner is also working in the said College. Therefore, petitioner is claiming relief against respondent No.3/College, which is the employer for passing an appropriate orders by holding an inquiry against the respondent No.4, as according to the petitioner respondent No.4 has committed fraud.

Petitioner further prays that he be also promoted to the post of Librarian, which prayer is also against respondent No.3/College.

Counsel for the respondents states that keeping in view the law laid down by a Division Bench of this Court in Management of S.D. Model Senior Secondary School & another Vs. District Judge-cum-Service Tribunal and another, 2014(1) S.C.T. 652, all the disputes between the management and the employee except the claim of gratuity are to be adjudicated by the Educational Tribunal, at first instance.

After going through the judgment of the Division Bench in Management of S.D. Model (supra), counsel for the petitioner is unable to convince this Court as to how her case is distinguishable from the applicability of the said judgment and the present writ petition will be maintainable before this Court instead of Educational Tribunal.

Faced with this, counsel for the petitioner prays that petitioner be relegated to avail his remedy before the Educational Tribunal set up by the Government of Haryana in this regard. Counsel for the petitioner prays that as the present writ petition was filed in the year 2013 and the pleadings are complete, let the paper book of this petition be sent to the Educational Tribunal for passing an appropriate order, otherwise, a lot of time will be consumed in completing the pleadings and even if the petitioner files fresh pleadings, the stand taken by the respondents before this Court will be repeated, which will only result in wastage of time.

Let the record of the present writ petition be sent to the Educational Tribunal for passing appropriate order as the matter is within the jurisdiction of the said authority.

Parties are directed to appear before the Educational Tribunal on
21.10.2019.

In view of the above, present writ petition stands disposed of.

26.08.2019
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

- | | | |
|----|--------------------------------|--------|
| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |