

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 21778 of 2016
Date of Decision : 29.05.2019

Naresh Kumar Gupta and another

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present: None for the petitioners.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Mr. Vishal Khatri, Advocate for
Mr. Vipul Jindal, Advocate for respondent No. 3.

None for respondents No. 4 and 5.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the claim of the petitioners is in respect of an order passed by respondents No. 4 and 5, whereby, the interest on the payments have been declined to the petitioners.

Learned counsel for the State argues that keeping in view the order passed by this Court in CWP No. 25942 of 2012, titled ***Suresh Sharma Vs. State of Punjab and others***, on 11.04.2019, the present writ petition is not maintainable before this Court at the first instance and the appropriate remedy available to the petitioners is to approach the Educational Tribunal for the redressal of their grievances.

This Court has already held that keeping in view the provisions of Clause 7-A(12) of the Punjab Affiliated Colleges (Security of Service of

Employees) Act, 1974 all the disputes between the employees and the Management are to be decided by the Educational Tribunal at the first instance. The order dated 11.04.2019 has 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 the present writ petition is pending since 2016 and replies on behalf of respondents No. 1, 2 and 3 have already been filed, it will be appropriate in case record of this case is sent to the Educational Tribunal for passing appropriate orders.

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 02.08.2019.

The present writ petition stands disposed of in above terms.

May 29, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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