

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 23440 of 2016
Date of Decision : 04.04.2019

Dr. Rekha Kalia Bhardwaj

...Petitioner

Versus

The State of Punjab and others

...Respondents

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

Present: Mr. Rajdeep Singh Cheema, Advocate for the petitioner.

Ms. Deepali Puri Sandhu, Addl. A.G., Punjab
for respondents No. 1 and 2.

Mr. Vaibhav Sehgal, Advocate for respondents No. 3 to 6.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, prayer of the petitioner is for release of the interest on the delayed payments of the retiral benefits by respondents No. 3 to 6.

At the outset, learned counsel for the respondents state that keeping in view the relief sought, which is against a Privately Managed Aided College, the present writ petition is not maintainable before this Court at the first instance and the petitioner has to approach the Educational Tribunal for the grant of relief as sought in the present writ petition. In support of the said arguments, learned counsel for the respondents rely upon judgments of Division Bench of this Court in the cases of *Management of*

S.D. Model Senior Secondary School & another Vs. District Judge-cum-

Service Tribunal and another, 2014 (1) S.C.T. 652, and in LPA No. 1172 of 2013, titled as *Governing Body/Managing Committee and another v. Punjab School Education Board and others*, decided on 08.07.2013 and various judgments of Single Benches passed in CWP No. 12904 of 2013 titled as *Sandeep Pilania v. Arya Pritinidhi Shabha, Dayanand Math, Rohtak and others*, decided on 01.09.2017, CWP No. 11506 of 2013 titled as *Kanchan Sharma v. State of Haryana and others*, decided on 20.09.2017, CWP No. 58 of 2014 titled as *Sumit Kumar and others v. State of Haryana and others*, decided on 04.11.2016 and CWP No. 4177 of 2015 titled as *Dr. Mukul Gupta v. Industrial Finance Corporation of India Limited and others*, decided on 29.05.2015. Learned counsel for the respondents further cite a judgment passed in CWP No. 19854 of 2014, on 19.02.2018, wherein also the petitioners were relegated to avail the remedy before the Educational Tribunal.

There is a force in the objection taken by learned counsel for the respondents.

Keeping in view the principle of law settled by this Court in the cases noted above, for the claim in respect of all the service disputes except gratuity, an employee has to approach the Educational Tribunal at the first instance.

Learned counsel for the petitioner has not been able to rebut the objection taken by the respondents. He requests that the record of the present writ petition be sent to the Educational Tribunal for passing appropriate orders.

In view of the above, let the record of this case be sent to the

Educational Tribunal for passing appropriate order(s) on the claim being raised by the petitioner in the present writ petition.

Parties are directed to appear before the Educational Tribunal on 23.05.2019.

April 04, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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