

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

CWP No.23742 of 2016 (O&M)

Date of decision: 09.05.2019

Vinod Sharma

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sushil Bhardwaj, Advocate,
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

Mr. N.L. Sahay, Advocate,
for respondent No.4.

Ritu Bahri, J.

Petitioner, who was working as Sanskrit Teacher in the Methodist Senior Secondary School, Sonapat, is seeking quashing of the order dated 22.07.2016 (Annexure P-19), whereby Director, Secondary Education, Haryana-respondent No.2 has rejected his claim for grant of arrears of salary w.e.f. 01.11.2001 to 10.11.2010.

A perusal of the order dated 22.07.2016 (Annexure P-19) shows that for this period, post of Sanskrit Teacher was never sanctioned by the Government and no grant-in-aid was released. However, subsequently, approval was granted by the Finance Department after converting the post of Drawing Teacher into Sanskrit Teacher along with enhancement of Grade Pay. The petitioner was working since 2001 with respondent No.4, which is a private aided institute.

A Division Bench of this Court in **Management of S.D. Model**

Senior Secondary School & another vs. District Judge-cum-Service

Tribunal & another, CR No.4315 of 2012 (decided on 27.11.2013), has held that as per directions issued by the Hon'ble Supreme Court, Education Tribunals have since been constituted. It has been further observed that vide notifications dated 28.05.2008 and 07.05.2013, powers of Education Tribunals have been given to the District & Sessions Judges in the State of Haryana, to hear appeals of the employees of aided/unaided Medical/Dental/Ayurvedic/Homeopathic/Educational Institutions against the decision of Management within their jurisdiction.

In the present case, petitioner is seeking direction to the respondents to release his salary and this issue can be examined by the Education Tribunal, Sonapat.

Accordingly, the Registry of this Court is directed to send this petition to the Education Tribunal, Sonapat. The Education Tribunal, Sonapat, shall examine and decide the matter in accordance with law. Parties are directed to appear before the Education Tribunal, Sonapat on 11.07.2019.

Disposed of accordingly.

09.05.2019
ajp

(RITU BAHRI)
JUDGE

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