

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

1. CWP-24884-2016

Chanchal Anand and othersPetitioners

Versus

State of Punjab and othersRespondents

2. CWP-12073-2017

Sital Singh and othersPetitioners

Versus

State of Punjab and othersRespondents

3. CWP-3382-2017

Khazan Singh and othersPetitioners

Versus

State of Punjab and othersRespondents

4. CWP-22247-2017 (O&M)

Ram Tirath Singh and othersPetitioners

Versus

State of Punjab and othersRespondents

Date of decision: - 11.07.2019

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

**Present:- Mr. Pawan Kumar Goklaney, Advocate,
for the petitioner(s).**

Mr. Harsimar Singh Sitta, Asstt. A.G., Punjab.

Mr. G.S. Bal, Senior Advocate with
Mr. A.D.S. Bal, Advocate
for respondent No.21 in CWP-24884-2016.

Mr. Rajdeep Singh Cheema, Advocate
for respondents No.10, 15 in CWP-24884-2016;
for respondent No.12 in CWP-3382-2017 and
for respondent No.10 in CWP-12073-2017.

Ms. Madhu Dayal, Advocate
for respondents No.11 and 14 in CWP-3382-2017.

Mr. R.K. Arora, Advocate
for respondent No.8 in CWP-3382-2017.

Mr. Sandeep Jain, Advocate, for respondent No.13.

Mr. Parshotam Lal Singla, Advocate
for respondent No.18 in CWP-24884-2018.

Mr. Sudhir Paruthi, Advocate
for respondent No.9 in CWP-24884-2016 and
for respondent No.15 in CWP-12073-2017

Mr. Shubham Kaushik, Advocate
for respondents No.14 and 15 in CWP-22247-2017.

Mr. Tarun Sharma, Advocate
for Mr. Vijay Sharma, Advocate, for respondent No.8.

Mr. Ravi Malhotra, Advocate

HARSIMRAN SINGH SETHI, J. (ORAL)

By this common order, above-mentioned four Civil Writ Petitions are being disposed of in the light of common question of law and similar facts involved.

In the present writ petitions, the grievance which is being raised by the petitioners is for the grant of leave encashment to the petitioners, who are working in the Privately Managed Recognized Aided

Institutions, as being granted to their counterpart in the Government Institutions.

The claim of the petitioners is against the Management, as the employer of the petitioners is the Management of the Privately Managed Aided Institutions.

Counsel for the respondents raises a preliminary objection for the maintainability of the present writ petitions before this Court at the first instance.

Counsel for the respondents argue that keeping in view the Rule 7-A(12) of the Punjab Affiliated Colleges (Security of Service of Employees) Act, 1974, all the disputes between an employee and the management will lie before the Educational Tribunal. Rule 7-A(12) has been interpreted by this Court in CWP No.25942 of 2012 titled as 'Suresh Sharma Vs. State of Punjab and others', decided on 11.04.2019, wherein it has been held that the employee will have to approach Educational Tribunal at the first instance raising his grievance against the Management for the redressal of his grievance. The said order passed in CWP No.25942 of 2012 has already been upheld by the Division Bench in LPA No.892 of 2019 titled as 'Surinder Krishan Sharma Vs. State of Punjab and others', vide order dated 09.05.2019.

Faced with this situation, counsel for the petitioners states that he may be allowed to withdraw the present writ petitions with liberty to the petitioners to approach the Educational Tribunal for the redressal of their grievances.

Keeping in view the above, present writ petitions are allowed to be withdrawn with liberty to the petitioners to approach the Educational Tribunal for the redressal of their grievances.

July 11, 2019
naresh.k

**(HARSIMRAN SINGH SETHI)
JUDGE**

Whether reasoned/speaking?	Yes
Whether reportable?	No