

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

CWP No.21321 of 2019 (O&M)

Date of Decision.31.10.2019

Doon Valley Institute of Engineering & Technology and another
...Petitioners

Vs

Educational Tribunal, Karnal and another
...Respondents

Present: Mr. Narender Pal Bhardwaj, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The case of the respondent No.2-employee as Assistant Professor before the Educational Tribunal was that having been appointed as Assistant Professor in Computer Engineering vide appointment letter dated 18.08.2010 in the pay scale of ₹15600-39100, respondents illegally terminated his service without prior notice, resulting into filing of the writ petition. During pendency of writ petition, issued a cheque dated 28.11.2013 of ₹20,670/- after deducting an amount of ₹6,830/- on account of non-returning of book of library. The writ petition was withdrawn with liberty to file appeal.

Learned counsel appearing on behalf of the petitioner submitted that the appeal was not maintainable, as there was no such order of termination and therefore, jurisdiction of Educational Tribunal could not have been invoked.

I am of the view that on going through the record as well as order under challenge, such objection is not maintainable. Admittedly, respondent No.2 was relieved on 29.12.2011 as per relieving certificate issued by Centre Superintendent as Annexure X. Once the respondent No.2

performed duty till 14.02.2012, therefore, he was entitled to salary from 01.01.2012 to 14.02.2012 but did not claim reinstatement. Employer cannot withhold salary or dues of workman after having discharged duties, as it amounts to exploitation. They wrongly deducted ₹6830/- for non-returning of book. Keeping in view this fact, Tribunal ordered for release of salary and reimbursement of ₹6350/- after deducting Rs.480/- for non-returning of book of library.

Learned counsel for the petitioners submits that the salary has already been released.

Without commenting upon veracity of statement, I am of the view that there is no illegality in the order passed by the Educational Tribunal to enable this Court to exercise power of judicial review under Article 226.

Dismissed.

(AMIT RAWAL)
JUDGE

October 31, 2019

Pankaj*

Whether speaking/reasoned Yes

Whether reportable No