

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP No. 3973 of 2016

Date of Decision : 04.04.2019

Harbir Singh

...Petitioner

Versus

Punjabi University, Patiala and others

...Respondents

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

Present: Mr. Rishav Jain, Advocate for the petitioner.

Mr. Abhishek Kaushik, Advocate for  
Mr. Vipul Jindal, Advocate for respondent No. 1.

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**Harsimran Singh Sethi, J.(Oral)**

In the present writ petition, the grievance of the petitioner is that he was working in Khalsa College, Patiala and the request of the petitioner for the release of the arrears of his salary is not being decided by them.

From the averments made in the present writ petition, it is clear that claim of the petitioner is only against Privately Managed Aided College.

Learned counsel for respondent No. 1 states that in view of the law laid down by a Division Bench of this Court in case titled as ***Management of S.D. Model Senior Secondary School & another Vs. District Judge-cum-Service Tribunal and another, 2014 (1) S.C.T. 652,***

the present writ petition is not maintainable as all the disputes between the

employee and the management are to be adjudicated upon by the Educational Tribunal. The relevant paragraph of the judgment passed by the Division Bench is as under:-

*“23. In view of the above discussion, we concluded as under:*

*(i) That an Educational Tribunal constituted in terms of the direction of the Supreme Court in T.M.A Pai Foundation's case (supra), will not have the jurisdiction to decide issue of payment of gratuity, as the same is payable to the teaching and non-teaching staff in terms of the Payment of Gratuity Act, 1972.*

*(ii) In respect of second question, the notification of the State Government constituting Educational Tribunal will include all service disputes arising out of an order passed by the Management, as appealable to the Educational Tribunal. Such right to appeal is not arising in view of the judgment in T.M.A Pai Foundation's case (supra), but in exercise of the executive powers of the State.*

*(iii) The State Government shall consider appropriate amendments in the Haryana School Education Act, 1995 in the light of statement made by Mr. Poonia before this Court expeditiously.*

*(iv) Since the controversy regarding the Forum for adjudication of disputes relating to payment of gratuity has been settled now, it shall be open to the aggrieved persons to seek redressal under the Payment of Gratuity Act, 1972 in accordance with law, if the same is availed within two months from today. The payment deposited by the petitioners shall be subject to the decision of the Authority under the Payment of Gratuity Act.*

*Since the questions of law have been answered, the*

*matter be placed before the learned Single Bench for appropriate decision.”*

In view of the objections raised by counsel for respondent No. 1, counsel for the petitioner states that the record of this case be sent to the Educational Tribunal for passing appropriate orders in this regard.

In view of the statement made, let the record of this case be placed before the Educational Tribunal for appropriate order(s) on the plea raised by the petitioner in the present writ petition.

Parties are directed to appear before the Educational Tribunal on 14.05.2019.

**April 04, 2019**  
*kanchan*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

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