

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-2682 of 2017

Date of decision: 26.08.2019

Lakhwinder Singh

.... Petitioner

versus

State of Punjab and others

.... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Alka Chatrath, Advocate with
Mr. Manwatan Pal Singh, Advocate
for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

Mr. M.S. Virk, Advocate for respondents No.3 and 4.

HARSIMRAN SINGH SETHI, J.

In the present writ petition, the grievance of the petitioner is against the management of the private aided institution i.e respondents No.3 and 4. The petitioner claims that he is entitled for payment of gratuity and leave encashment after the petitioner was superannuated on 30.04.2016. In respect of the leave encashment, keeping in view the law laid down by this Court in CWP-25942 of 2012 titled as **Suresh Sharma vs. State of Punjab and others**, decided on 11.04.2019 all the disputes between the management and the employee are to be adjudicated by the Educational Tribunal, at the first instance, which order has already been upheld by the Division Bench of this Court in LPA No.892 of 2019 titled as **Surinder Krishan Sharma vs. State of Punjab and others** on 09.05.2019.

In respect of the claim of the petitioner with regard to the gratuity, the petitioner has a remedy under the Payment of Gratuity Act, 1972 and the petitioner will have the liberty to approach the competent authority under 1972 Act for redressal of his grievance for grant of gratuity.

Counsel for the petitioner prays that she be allowed to withdraw this petition with liberty to approach the Educational Tribunal for redressal of his grievance as raised in the present writ petition.

A prayer has been made by the counsel for the petitioner that as the matter is pending since 2017 and reply has also been filed, the paper book of the present petition be sent to the Educational Tribunal otherwise petitioner will have to file the same pleading again, which will not only cause delay but will also waste the time of the Court. Counsel for the respondents has no objection to this prayer of the counsel for the petitioner.

In view of the above, present writ petition is allowed to be withdrawn with liberty to approach the Educational Tribunal set up by the Government of Punjab in this regard.

Let the record of the present writ petition be sent to the Educational Tribunal for passing of appropriate order as the matter is within the jurisdiction of the said authority.

Parties are directed to appear before the Educational Tribunal on 21.10.2019.

26.08.2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |