

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-28127-2017

Date of decision: - 27.11.2019

Kawaljit Kaur

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Harshit Jain, Advocate
for Mr. Rajdeep Singh Cheema, Advocate
for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

Mr. Vikram S. Chahal, Advocate
for Mr. Sameer Sachdeva, Advocate
for respondents No.3 and 4.

Mr. Shaurya Punj, Advocate
for Mr. Tarun Vir Singh Lehal, Advocate
for respondent No.5.

HARSIMRAN SINGH SETHI, J. (ORAL)

The prayer which is being made by the petitioner in the present writ petition is that the impugned order dated 06.09.2017 (Annexure P-1), by which the legal notice has been replied and the claim of the petitioner for the release of the gratuity has been declined, be set aside being arbitrary and illegal. Further prayer of the petitioner is that the respondent-Management be directed to pay him the enhanced gratuity

alongwith interest keeping in view the policy of the Government of Punjab dated 17.08.2009.

Reply has been filed on behalf of respondent No.5, today in the Court and the same is taken on record. A copy thereof has been supplied to learned counsel for the petitioner.

Learned counsel for the respondents raises a preliminary objection that in the present writ petition there is a dispute between the employee and the Management and keeping in view the settled principle of law settled by this Court in **CWP No.25942 of 2012** titled as '**Suresh Sharma** Vs. **State of Punjab and others**', **decided on 11.04.2019**, the authority to adjudicate all the disputes between the employee and the Management at the first instance is with the Educational Tribunal.

Faced with this situation, learned counsel for the petitioner prays that the petitioner be relegated to avail her remedy before the Education Tribunal, Punjab.

Learned counsel for the petitioner prays that the record of this writ petition be sent to the Educational Tribunal, Punjab for passing the appropriate orders as filing of the same pleadings before the Educational Tribunal, Punjab will waste the precious time of the Tribunal as well.

Learned counsel for the respondents raises no objection for sending the record of this writ petition to the Educational Tribunal, Punjab.

In view of the above, as prayed for by learned counsel for the petitioner, the petitioner is relegated to avail her remedy before the

Educational Tribunal, Punjab and the record of this writ petition be sent to the Educational Tribunal, Punjab for passing the appropriate orders.

Parties are directed to appear before the Educational Tribunal, Punjab on 22.01.2020.

November 27, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No