

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

(261)

CWP-28555-2017

Date of Decision: July 16, 2019

Ranjit Singh Pannu and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.D. Anand, Advocate, for the petitioners.

Mr. Navdeep Chhabra, DAG, Punjab.

Ms. Tuneet Walia, Advocate, for respondents No. 5,6 and 7.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the petitioners are seeking direction to the respondents to grant the arrears of the contributory provident fund from the due date till the retirement of the petitioners as per the Rules prescribed in the Regulations framed under the Punjab University Act, 1947, along with interest.

The claim of the petitioners is against the privately managed institution i.e. respondent No.4 to respondent No.7.

Learned counsel appearing on behalf of the respondents raise a preliminary objection in respect of the maintainability of the present writ petition before this Court at the first instance.

Learned counsel for the respondents argues that keeping in view the provisions of Rule 7-A (12) of the Punjab Affiliated Colleges (Security of Service of Employees) Act, 1974, the authority to adjudicate all the disputes between the employee and the managing committee at first instance lies with the Educational Tribunal and clause 7-A (12) has been interpreted by this Court while deciding **CWP No.25942 of 2012 titled as Suresh Sharma Vs.**

State of Punjab and others, decided on 11.04.2019.

By the said order, this Court has held that the employee, seeking relief against the management has to approach the Educational Tribunal at the first instance. The said order passed by this Court, has already upheld by the Division Bench in **LPA No.892 of 2019 titled as Surinder Krishan Sharma Vs. State of Punjab and others, decided on 09.05.2019.**

Faced with this situation, learned counsel for the petitioners prays that he be allowed to approach the Educational Tribunal for the redressal of the grievance as being raised in the present writ petition.

Learned counsel for the petitioners pleads that as the present writ petition was filed in the year 2017 and reply on behalf of respondents No. 5,6 and 7 has also been filed, record of this writ petition be sent to the Educational Tribunal for deciding the claim of the petitioners as being raised in the present writ petition.

Learned counsel for the State as well as learned counsel for respondents No. 5, 6 and 7 does not have any objection on the plea raised by counsel for the petitioners for sending the record of this case before the Educational Tribunal, Punjab.

Keeping in view the request made by counsel for the parties as noticed above, let record of the present writ petition be placed before the Educational Tribunal, Punjab for passing appropriate orders on the claim raised by the petitioners.

Parties are directed to appear before the Educational Tribunal, Punjab on 02.09.2019.

In view of the above, present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

July 16, 2019
harsha

Whether speaking/reasoned: Yes
Whether reportable: No