

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 8118 of 2017(O&M)
Date of Decision : 16.05.2019

Nitin Salim

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.K. Rana, Advocate for the petitioner.

Ms. Deepali Puri Sandhu, Addl. A.G., Punjab.

Mr. Yogesh Goel, Advocate for respondents No. 4 and 5.

Harsimran Singh Sethi, J.(Oral)

CM-7804-CWP-2019

Present application has been filed to place on record short replication filed on behalf of the petitioner.

Application is allowed and replication is taken on record.

CWP-8118-2017

In the present writ petition, the claim of the petitioner is against respondents No. 4 and 5 to release the arrears of pension and other pensionary benefits in respect of the service, which the petitioner had rendered with respondents No. 4 and 5.

Learned counsel for respondents No. 4 and 5 raises a preliminary objection with regard to the maintainability of writ petition at the first instance before this Court in view of Clause 7-A(12) of the Punjab Affiliated Colleges (Security of Service of Employees) Act, 1974. He

further relies upon order passed by this Court in CWP No. 25942 of 2012,

titled *Suresh Sharma Vs. State of Punjab and others*, decided on 11.04.2019, wherein, it has been held that in view of the provisions of Clause 7-A(12) of the Punjab Affiliated Colleges (Security of Service of Employees) Act, 1974, the petition only before the Educational Tribunal will be maintainable at the first instance. The said order has already been upheld and the LPA No. 892 of 2019 has already been dismissed on 09.05.2019.

Keeping in view the objection so raised on behalf of learned counsel for respondents No. 4 and 5, learned counsel for the petitioner prays that as the present writ petition was filed in the year 2017 and the pleadings are complete, let the record of this writ petition alongwith the pleadings be sent to the Educational Tribunal for passing of the appropriate orders.

Learned counsel for the respondents have no objection in this regard.

In view of the above and keeping in view the objection raised on maintainability by counsel for respondents No. 4 and 5 and the request made by learned counsel for the petitioner, record of the present writ petition be sent to the Educational Tribunal for passing appropriate orders.

Parties are directed to appear before the Educational Tribunal on 24.07.2019.

The present writ petition stands disposed of in above terms.

May 16, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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