

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

(255)

CWP-6220-2018

Date of Decision: July 12, 2019

Sarwan Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vikram Singh Chahal, Advocate, for
Mr. Nitin Verma, Advocate, for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

Mr. Sameer Sachdeva, Advocate, for respondent No.3.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance which is being raised by the petitioner is for the release of the salary for the period when he had worked with respondent No.3-College. Respondent No.3-College is an aided institution.

Learned counsel for the respondents raises a preliminary objection for the maintainability of the present writ petition keeping in view the provision of Section 7-A (12) of Punjab Affiliated Colleges (Security of Service of Employees) Act, 1974 according to which, an employee, has to raise his grievance against the management before the Educational Tribunal and Educational Tribunal has power to decide all the disputes between the management and the employee at the first instance.

Learned counsel for the respondents relies upon an order passed by this Court in **CWP No.25942 of 2012 titled as Suresh Sharma Vs. State of Punjab and others, decided on 11.04.2019** wherein, it has been held that this Court will not have jurisdiction at the first instance in respect

of the dispute between the management of an aided institution and the employee. The said judgment has already been upheld by the Division Bench in *LPA No.892 of 2019 titled as Surinder Krishan Sharma Vs. State of Punjab and others, on 09.05.2019.*

Faced with this situation, learned counsel for the petitioner prays that the record of the present writ petition be sent to the Educational Tribunal, Punjab for passing appropriate orders.

Learned counsel for respondent No.3 has no objection for the grant of prayer for sending this record to the Educational Tribunal, Punjab for passing appropriate orders on the claim being made by the petitioner.

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

Parties are directed to appear before the Educational Tribunal, Punjab on 06.08.2019.

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

July 12, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned:	Yes
Whether reportable:	No