

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(248)

CWP No. 8337 of 2018

Date of Decision : 11.12.2019

Dr. Malkit Singh Grover and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Puneet Jindal, Senior Advocate with
Mr. Tejinder Singh, Advocate for the petitioners.

Mr. Rana Harjasdeep Singh, Deputy Advocate General, Punjab.

Mr. Rajesh Hooda, Advocate for respondent No. 5.

Harsimran Singh Sethi, J. (Oral)

In the present writ petition, the grievance, which is being raised by the petitioners, is for the release of the CPF amount, which is payable to them in accordance with the Instructions issued by the Government of Punjab as well as by Guru Nanak Dev University, Amritsar.

The claim of the petitioners is primarily against respondents No. 3 and 4 i.e. their employer with regard to CPF though, the CPF is to be paid by the Regional Provident Fund Commissioner, where the College Authority has to deposit the same.

Learned counsel for the respondent-State argues that as the present claim of the petitioners is against the management, 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***, on 11.04.2019, which 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, the jurisdiction to adjudicate the dispute between the management and its employee at first instance is with the Educational Tribunal.

Learned senior counsel appearing on behalf of the petitioners very fairly states that keeping in view the settled principle of law in **Suresh Sharma's case (supra)**, petitioners be relegated to the Educational Tribunal to avail their remedy. Learned senior counsel further states that as the pleadings are complete in this writ petition except the reply, which is to be filed by respondents No. 3 and 4, the record of this writ petition be sent to the Educational Tribunal, otherwise, the precious time of the Tribunal will be wasted in filing the same pleadings.

Learned counsel for the State does not have any objection to the prayer made by learned senior counsel for the petitioners for sending the paper book of this writ petition before the Educational Tribunal, Punjab.

In view of the above, as prayed by learned senior counsel appearing on behalf of the petitioners, petitioners are relegated to avail their remedy before the Educational Tribunal, Punjab and the paper book of this writ petition be sent to 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 10.02.2020.

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

December 11, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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