

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 101(5 cases)

IOIN-CR No. 4315 of 2012 in CR No. 4315 of 2012

Management of S. D. Model Sr. Sec. School and another

vs.

District Judge-cum-Service Tribunal and another

* * *

Present : Mr. Ajay Bhardwaj, Advocate
for the petitioners.

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In pursuance to the request made by this Court, the Registrar (Judicial) has appeared and apprised the Court that in pursuance to the order dated 10.05.2013 passed by a learned Single Judge of this Court in **CR Nos. 4315 to 4319 of 2012 - Management of S. D. Model Sr. Sec. School, Karnal and another vs. District Judge-cum-Service Tribunal and another**, the petitioner-Management had made a deposit before this Court. Certain questions were formulated in the aforesaid revision petition, which were referred to a Larger Bench. Vide order dated 27.11.2013, such questions were answered by a Division Bench of this Court in the following manner :-

*“In view of the above discussion, we
concluded as under :*

*(i) That an Educational
Tribunal constituted in terms of the
direction of the Supreme Court in
T.M.A.Pai Foundation's case (supra),
will not have the jurisdiction to
decide issue of payment of gratuity,
as the same is payable to the*

teaching and non-teaching staff in terms of the Payment of Gratuity Act, 1972.

(ii) In respect of second question, the notification of the State Government constituting Educational Tribunal will include all service disputes arising out of an order passed by the Management, as appealable to the Educational Tribunal. Such right to appeal is not arising in view of the judgment in T.M.A.Pai Foundation's case (supra), but in exercise of the executive powers of the State.

(iii) The State Government shall consider appropriate amendments in the Haryana School Education Act, 1995 in the light of statement made by Mr. Poonia before this Court expeditiously.

(iv) Since the controversy regarding the Forum for adjudication of disputes relating to payment of gratuity has been settled now, it shall be open to the aggrieved persons to seek redressal under the Payment of Gratuity Act, 1972 in accordance with law, if the same is availed within two months from today. The payment deposited by the

petitioners shall be subject to the decision of the Authority under the Payment of Gratuity Act.”

In terms of the afore-quoted order, a learned Single Judge of this Court, through order dated 20.12.2013, relegated the dispute between the parties which was with regard to payment of gratuity to the competent authority under the Payment of Gratuity Act, 1972.

Learned counsel for the petitioner-Management submits that the competent authority has since decided the dispute between the parties. An appeal preferred against such decision by the petitioner-Management has also been dismissed and that such order has become final. He further submits that all dues, in terms of the order of the competent authority, have since been released to respondent no. 2 and therefore, the amount deposited before this Court be released in favour of the petitioner-Management.

In spite of service, no one has put in appearance on behalf of respondent no. 2.

In view of the above uncontroverted position, the amount deposited in this Court, in pursuance to order dated 27.11.2013, is ordered to be released to the petitioner-Management.

Disposed of accordingly.

(DEEPAK SIBAL)
JUDGE

July 24, 2019
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