

AMRIK SINGH AND ORS. VS STATE OF HARYANA AND ORS.

Present: Mr. Ram Niwas Sharma, Advocate
for the applicants-petitioners.

Mr. Vivek Saini, DAG, Haryana.

This Review Application has been filed under Order 47 Rule 1 & 2 read with Section 114 CPC for reviewing the judgment/order dated 28.09.2015, passed in CWP-1394-2013, whereby, the petition was disposed of by relegating the petitioners to avail the alternative remedy before the Educational Tribunal.

The claim of the petitioners in the Writ Petition was against the denial of leave encashment to them by the Private Management.

In the review application, it is contended that Educational Tribunal does not have jurisdiction to decide the case relating to leave encashment of retired employees. Its jurisdiction is confined only to determine disputes relating to termination and dismissal.

Pursuant with the directions of this Court, requiring to the State to clarify as to whether the Tribunal would have jurisdiction to entertain disputes of retired employees with regard to leave encashment, reply of Satinder Siwatch, Joint Director Administration O/o Director Secondary Education, Haryana, Panchkula, has been filed today in the Court. In the reply, it is stated that the Educational Tribunal has jurisdiction to entertain the disputes of retired employees with regard to leave encashment. Learned State counsel has also referred to various decisions including CWP-58-2014 titled as Sumit Kumar and others vs. State of Haryana and

others, decided on 04.11.2016 (Annexure R-1); CWP-19854-2014 titled as Sanjay Dabas and others vs. The Director General of Police, Haryana and others, decided on 19.02.2018; (Annexure R-II); CWP-23440-2016 titled as Dr. Rekha Kalia Bhardwaj vs. The State of Punjab and others, decided on 04.04.2019 (Annexure R-III), wherein it has been held that in respect of all service disputes, except gratuity, the employee has to approach the Educational Tribunal in the first instance.

As per order dated 22.09.2017, passed by this Court, the petitioners were asked to clarify as to whether, pursuant to the directions of this Court, they had approached the Educational Trinubal and the Tribunal had refused to entertain their petition on the ground that the petitioners having retired if had no jurisdiction. The petitioners have not done so.

In view of the above, there is no ground to review the order dated 28.09.2015.

Dismissed.

(HARINDER SINGH SIDHU)
JUDGE

19.09.2019
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