

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

**CWP No.4530 of 2000 (O&M)
Date of decision : February 05, 2020**

Smt. Kuldip Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Mukul Gupta, Advocate for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab
for respondent Nos.1 and 2.

None for respondent Nos.3 and 4.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present writ petition, the claim of the petitioner is against Khalsa College for Women, Sidwan Khurd, Ludhiana. Petitioner is praying that respondent-College be directed to release the pensionary benefits of the petitioner for the period she had served the said institution and also for the release of the salary for the period from 12.05.1998 to 16.07.1998.

Learned counsel for the respondent-State raises a preliminary objection that as the claim of the petitioner is against the private institution, the present writ petition is not maintainable before this Court at this stage and the petitioner is to approach the Educational Tribunal, Punjab, for the redressal of her grievance, keeping in view the amendment in Punjab Affiliated Colleges (Security of Service of Employee) Act, 1974.

Learned counsel for the respondent-State relies upon the judgment of this Court passed in CWP No.25942 of 2012, titled as “**Suresh Sharma vs State of Punjab and others**”, decided on 11.04.2019, which has already been upheld by the Division Bench of this Court in LPA No.892 of

2019, titled as “*Surinder Krishan Sharma vs State of Punjab and others*”, decided on 09.05.2019.

Faced with this situation, learned counsel for the petitioner very fairly states that the petitioner be relegated to avail her remedy before the Educational Tribunal, Punjab. Learned counsel for the petitioner further prays that as the present writ petition is pending before this Court and pleadings are complete, let the paper book of the present writ petition be sent to the Educational Tribunal, Punjab, otherwise, the precious time of the Tribunal will be wasted in filing the same pleadings once again. Learned counsel argues that sending the paper book of the present writ petition to the Tribunal will also expedite the hearing of claim of the petitioner as well.

Learned counsel for the respondent-State raises no objection to the plea raised by the learned counsel for the petitioner for sending the paper book of the present writ petition for adjudication.

Keeping in view the above, as prayed for by the learned counsel for the petitioner, the petitioner is relegated to avail her remedy before the Educational Tribunal, Punjab. The paper book of the present writ petition be sent to the Educational Tribunal, Punjab for passing appropriate order on the claim made by the petitioner, keeping in view the pleadings already raised by the parties. The parties are directed to appear before the Educational Tribunal, Punjab on 20.04.2020.

The present writ petition is disposed of in abovenoted terms.

(HARSIMRAN SINGH SETHI)
JUDGE

February 05, 2020

sarita

Whether speaking / reasoned

Yes Whether Reportable: No